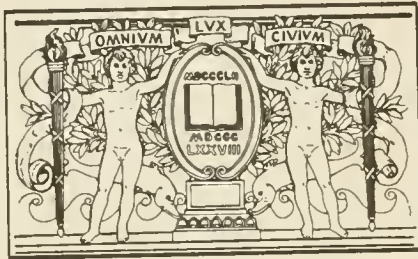


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R E P O R T.

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**Laws affecting Aliens.**

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*Ordered, by The House of Commons, to be Printed,  
2 June 1843.*

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ANNO SEPTIMO & OCTAVO

# VICTORIÆ REGINÆ.

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C A P. LXVI.

An Act to amend the Laws relating to Aliens.

[6th August 1844.]

**W**HEREAS it is expedient that the Laws now in force affecting Aliens should be amended, and that Her Majesty should be enabled to grant to Aliens the Rights and Capacities of *British* Subjects, under such Regulations and with such Restrictions and Exceptions as are herein-after provided : And whereas an Act of Parliament was made and passed in the Twelfth Year of the Reign of His late Majesty King *William* the Third, intituled *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject* ; and another Act of Parliament was made and passed in the First Year of the Reign of His late Majesty King *George* the First, intituled *An Act to explain an Act made in the Twelfth Year of the Reign of King William the Third, intituled 'An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject ;'* and another Act of Parliament was made and passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to prevent certain Inconveniencies that may happen by Bills of Naturalization* : Be it the fore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

12 & 13 W. 3.  
c. 2.  
1 G. 1. Sess. 2.  
c. 4.  
14 G. 3. c. 84.

6 T

ment

Provisions of recited Acts inconsistent herewith repealed.

Certain Provision of 1 G. 1. c. 4. repealed.

ment assembled, and by the Authority of the same, That such Parts of the said recited Acts of Parliament as are inconsistent with the Provisions of this Act shall be repealed.

II. And be it enacted, That so much of the said Act of the First Year of the Reign of King *George* the First as provides, that no Person shall hereafter be naturalized unless in the Bill exhibited for that Purpose there shall be a Clause or particular Words inserted to declare that such Person shall not thereby be enabled to be of the Privy Council, or a Member of either House of Parliament, or to take any Office either civil or military, or to have any Grant of Lands, Tenements, or Hereditaments from the Crown to himself or any other Person in trust for him, and that no Bill of Naturalization shall hereafter be received in either House of Parliament unless such Clause or Words be first inserted, be repealed.

Every Person born of a British Mother capable of holding Real or Personal Estate.

III. And be it enacted, That every Person now born, or hereafter to be born, out of Her Majesty's Dominions, of a Mother being a natural-born Subject of the United Kingdom, shall be capable of taking to him, his Heirs, Executors, or Administrators, any Estate, Real or Personal, by Devise or Purchase, or Inheritance of Succession.

Alien Friends may hold every Species of Personal Property except Chattels Real.

IV. And be it enacted, That from and after the passing of this Act every Alien, being the Subject of a friendly State, shall and may take and hold, by Purchase, Gift, Bequest, Representation, or otherwise, every Species of Personal Property, except Chattels Real, as fully and effectually to all Intents and Purposes, and with the same Rights, Remedies, Exemptions, Privileges, and Capacities, as if he were a natural-born Subject of the United Kingdom.

Subjects of a friendly State may hold Lands, &c. for the Purpose of Residence, &c. for Twenty-one Years.

V. And be it enacted, That every Alien now residing in, or who shall hereafter come to reside in, any Part of the United Kingdom, and being the Subject of a friendly State, may, by Grant, Lease, Demise, Assignment, Bequest, Representation, or otherwise, take and hold any Lands, Houses, or other Tenements, for the Purpose of Residence or of Occupation by him or her, or his or her Servants, or for the Purpose of any Business, Trade, or Manufacture, for any Term of Years not exceeding Twenty-one Years, as fully and effectually to all Intents and Purposes, and with the same Rights, Remedies, Exemptions, and Privileges, except the Right to vote at Elections for Members of Parliament, as if he were a natural-born Subject of the United Kingdom.

Aliens to become naturalized upon obtaining Certificate, taking prescribed Oath, and becoming Residents in the United Kingdom.

VI. And be it enacted, That upon obtaining the Certificate and taking the Oath herein-after prescribed every Alien now residing in, or who shall hereafter come to reside in, any Part of *Great Britain* or *Ireland* with Intent to settle therein, shall enjoy all the Rights and Capacities which a natural-born Subject of the United Kingdom can enjoy or transmit, except that such Alien shall not be capable of becoming of Her Majesty's Privy Council, nor a Member of either House of Parliament, nor of enjoying such other Rights and Capacities, if any, as shall be specially excepted in and by the Certificate to be granted in manner herein-after mentioned.

VII. And



VII. And be it enacted, That it shall be lawful for any such Alien as aforesaid to present to One of Her Majesty's Principal Secretaries of State a Memorial, stating the Age, Profession, Trade, or other Occupation of the Memorialist, and the Duration of his Residence in *Great Britain* or *Ireland*, and all other the Grounds on which he seeks to obtain any of the Rights and Capacities of a natural-born *British* Subject, and praying the said Secretary of State to grant to the Memorialist the Certificate herein-after mentioned.

Aliens desirous of becoming naturalized to present a Memorial.

VIII. And be it enacted, That every such Memorial shall be considered by the said Secretary of State, who shall inquire into the Circumstances of each Case, and receive all such Evidence as shall be offered, by Affidavit or otherwise, as he may deem necessary or proper for proving the Truth of the Allegations contained in such Memorial; and that the said Secretary of State, if he shall so think fit, may issue a Certificate, reciting such of the Contents of the Memorial as he shall consider to be true and material, and granting to the Memorialist (upon his taking the Oath herein-after prescribed) all the Rights and Capacities of a natural-born *British* Subject, except the Capacity of being a Member of the Privy Council or a Member of either House of Parliament, and except the Rights and Capacities (if any) specially excepted in and by such Certificate.

Memorial to be considered by the Secretary of State for the Home Department; who may issue a Certificate.

IX. And be it enacted, That such Certificate shall be enrolled for safe Custody as of Record in Her Majesty's High Court of Chancery, and may be inspected, and Copies thereof taken, under such Regulations as the Lord High Chancellor shall direct.

Certificate to be enrolled in Court of Chancery.

X. And be it enacted, That, within Sixty Days from the Day of the Date of such Certificate, every Memorialist to whom Rights and Capacities shall be granted by such Certificate shall take and subscribe the following Oath; (that is to say,)

Oath to be taken.

‘ I *A. B.* do sincerely promise and swear, That I will be faithful  
 ‘ and bear true Allegiance to Her Majesty Queen *Victoria*, and  
 ‘ will defend Her to the utmost of my Power against all Conspiracies  
 ‘ and Attempts whatever which may be made against Her Person,  
 ‘ Crown, or Dignity; and I will do my utmost Endeavour to disclose  
 ‘ and make known to Her Majesty, Her Heirs and Successors, all  
 ‘ Treasons and traitorous Conspiracies which may be formed against  
 ‘ Her or them; and I do faithfully promise to maintain, support, and  
 ‘ defend to the utmost of my Power the Succession of the Crown,  
 ‘ which Succession, by an Act, intituled *An Act for the further*  
 ‘ *Limitation of the Crown, and better securing the Rights and*  
 ‘ *Liberties of the Subject*, is and stands limited to the Princess *Sophia*  
 ‘ Electress of *Hanover*, and the Heirs of her Body, being Protestants,  
 ‘ hereby utterly renouncing and abjuring any Obedience or Allegiance  
 ‘ unto any other Person claiming or pretending a Right to the Crown  
 ‘ of this Realm. So help me GOD.’

Which Oath shall be taken and subscribed by such Memorialist, and shall be duly administered to him or her, before any of Her Majesty's Judges of the Court of Queen's Bench or Court of Common Pleas or Court of Exchequer, or before any Master or Master Extraordinary

in Chancery; and that the Judge or Master or Master Extraordinary in Chancery, whether in *England* or in *Ireland*, before whom such Oath may be administered, shall grant to the Memorialist a Certificate of his or her having taken and subscribed such Oath accordingly; and such Certificate shall be signed by the Judge, Master or Master Extraordinary in Chancery, before whom such Oath shall be administered.

Proceedings for obtaining Certificate. XI. And be it enacted, That the several Proceedings hereby authorized to be taken for obtaining such Certificate as aforesaid shall be regulated in such Manner as the Secretary of State shall from Time to Time direct.

Amount of Fees to be payable. XII. And be it enacted, That the Fees payable in respect of the several Proceedings hereby authorized shall be fixed and regulated by the Commissioners of Her Majesty's Treasury.

Naturalized Persons resident Five Years to enjoy Rights as Aliens. XIII. And be it enacted, That all Persons who shall have been naturalized before the passing of this Act, and who shall have resided in the United Kingdom during Five successive Years, shall be deemed entitled to and shall enjoy all such Rights and Capacities of *British* Subjects as may be conferred on Aliens by the Provisions of this Act.

Act not to affect pre-existing Rights. XIV. Provided always, and be it enacted, That nothing in this Act shall prejudice, or be construed to prejudice, any Rights or Interests in Law or in Equity, whether vested or contingent, under any Will, Deed, or Settlement executed by any natural-born Subject of *Great Britain* or *Ireland* before the passing of this Act, or under any Descent or Representation from or under any such natural-born Subject who shall have died before the passing of this Act.

Act not to take away Rights of Aliens. XV. And be it enacted, That nothing herein contained shall be construed so as to take away or diminish any Right, Privilege, or Capacity heretofore lawfully possessed by or belonging to Aliens residing in *Great Britain* or *Ireland*, so far as relates to the Possession or Enjoyment of any Real or Personal Property, but that all such Rights shall continue to be enjoyed by such Aliens in as full and ample a Manner as such Rights were enjoyed before the passing of this Act.

Women married to natural born Subjects deemed naturalized. XVI. And be it enacted, That any Woman married or who shall be married to a natural-born Subject or Person naturalized shall be deemed and taken to be herself naturalized, and have all the Rights and Privileges of a natural-born Subject.

Act may be amended this Session. XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.



ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

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C A P. LXXXIII.

An Act for the Naturalization of Aliens.

[22d July 1847.]

**W**HEREAS by divers Acts, Statutes, or Ordinances enacted by the Legislatures of divers of Her Majesty's Colonies or Possessions abroad Provision hath been made for imparting to divers Aliens there resident the Privileges or some of the Privileges of Naturalization, to be exercised and enjoyed within the respective Limits of such Colonies and Possessions respectively: And whereas Doubts have arisen as to the Competency of the said Legislatures to enact any such Laws, Statutes, or Ordinances, and as to the Validity of the same when so enacted, and it is expedient that such Doubts be removed: Be it therefore and it is hereby declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Acts, Statutes, and Ordinances heretofore made and enacted by the Legislatures of any of Her Majesty's Colonies and Possessions abroad for imparting to any Person or Persons the Privileges or any of the Privileges of Naturalization, to be by such Person or Persons exercised and enjoyed within the respective Limits of such Colonies or Possessions respectively, shall within such Limits have and be taken and reputed

All Acts, &c. of Colonial Legislatures imparting Privileges of Naturalization valid.

to have had from the Time of the Enactment thereof respectively all such and the same Force and Effect as doth by Law belong to any other Law, Statute, or Ordinance made or enacted by any such respective Legislatures.

All Laws, &c. hereafter made imparting Privileges of Naturalization valid, but subject to Confirmation or Disallowance by Her Majesty.

II. And be it and it is hereby enacted and declared, That all Laws, Statutes, and Ordinances which shall hereafter be made and enacted by the Legislatures of any of Her Majesty's Colonies or Possessions abroad for imparting to any Person or Persons the Privileges or any of the Privileges of Naturalization, to be by any such Person or Persons exercised and enjoyed within the Limits of any such Colonies and Possessions respectively, shall within such Limits have the Force and Authority of Law, any Law, Statute, or Usage to the contrary in anywise notwithstanding: Provided nevertheless, that all such Laws, Statutes, and Ordinances shall be made and enacted in such Manner and Form, and subject to and in conformity with all such Rules as now are or hereafter shall be in force in respect of other Laws, Statutes, or Ordinances enacted or to be enacted by any such Legislatures respectively, and shall and may be confirmed or disallowed by Her Majesty in such and the same Manner, and subject to the same Rules and Regulations as extend or as shall hereafter extend to the Confirmation or Disallowance of any other such Laws, Statutes, or Ordinances.

7 & 8 Vict. c. 66. not to extend to Colonies or Possessions abroad.

III. And whereas a certain Act was made and enacted in the Seventh and Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Aliens*: And whereas Doubts have arisen whether the said recited Act of the Seventh and Eighth Year of Her Majesty's Reign extends to and is in force in Her Majesty's Colonies or Possessions abroad; now it is hereby further enacted and declared, That the said recited Act of the Seventh and Eighth Year of Her Majesty's Reign, or any Part of it, doth not extend to the said Colonies or Possessions, or to any of them.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any other Act of this present Session of Parliament.

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Printers to the Queen's most Excellent Majesty. 1847.

522

**R E P O R T**

FROM THE

SELECT COMMITTEE

ON THE

**LAWS AFFECTING ALIENS;**

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND INDEX.

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*Ordered, by The House of Commons, to be Printed,  
2 June 1843.*

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*Mercurii, 15<sup>o</sup> die Martii, 1843.*

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*Ordered, THAT* a Select Committee be appointed to inquire into the State of the Laws affecting Aliens, and others resident in this Country not being Native-born Subjects of the British Crown, with a view to ascertain whether it may be expedient to make any and what Alterations therein, for the purpose of facilitating the Admission of Foreigners into the Rights and Privileges of British Subjects, excepting the Disability to be of the Privy Council, or a Member of either House of Parliament, as limited by the Act 12 & 13 Will. 3, c. 2.

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*Lunæ, 20<sup>o</sup> die Martii, 1843.*

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A Committee was nominated of,

Mr. Hutt.	Sir Edward Colebrooke.
Mr. Nicholl.	Mr. Cripps.
Mr. Serjeant Stock.	Mr. Aglionby.
Mr. Smythe.	Mr. Darby.
Lord Harry Vane.	Sir George Grey.
Viscount Mahon.	Mr. Gaskell.
Mr. Ewart.	Lord Alfred Hervey.
Sir John Hanmer.	

*Ordered, THAT* the Committee have power to send for Persons, Papers, and Records.

*Ordered, THAT* Five be the Quorum of the Committee.

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THE REPORT	- - - - -	p. iii
PROCEEDINGS OF THE COMMITTEE	- - - - -	p. xii
MINUTES OF EVIDENCE	- - - - -	p. 1
INDEX	- - - - -	p. 81

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## R E P O R T.

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THE SELECT COMMITTEE appointed to inquire into the State of the LAWS affecting ALIENS, and others resident in this Country not being Native-born Subjects of the British Crown, with a view to ascertain whether it may be expedient to make any and what Alterations therein, for the purpose of facilitating the Admission of Foreigners into the Rights and Privileges of British Subjects, excepting the Disability to be of the Privy Council, or a Member of either House of Parliament, as limited by the Act 12 & 13 Will. 3, c. 2; and who were empowered to Report the Minutes of Evidence taken before them, together with their Opinion thereupon, to The House:—

HAVE considered the Matters to them referred, and have agreed to the following REPORT:

THE Laws affecting Foreigners resident in this country remain substantially in the same state now as at the close of the reign of William the Third.

The partiality which that Sovereign exhibited toward the Dutch officers and dependents whom he brought with him into this kingdom, had excited in the public mind considerable jealousy and aversion towards strangers coming to settle here; and during his reign these feelings were further promoted by the near prospect of the accession to the British Throne of George the First, also a Foreigner, and surrounded by foreign favourites. The consequence was, that by the statute 12th & 13th of William 3, c. 2, Foreigners were placed under rigorous civil disabilities. “No other country,” says Mr. Hallam, referring to this statute, “as far as I am aware, has adopted such sweeping disqualifications.”

The laws which have since been enacted, and which are now in force, for regulating the privileges of Foreigners in this country, (such as 1st Geo. 1, c. 4; 14th Geo. 3, c. 84; 3rd & 4th Will. 4, c. 54 and 55), have rather aggravated than lightened the disabilities imposed on them by the Act of Settlement.

Aliens in Great Britain are debarred from the possession of real property, and some description of personal property. They cannot take houses on lease for years, without danger of forfeiture. They cannot hold British registered shipping, nor shares therein. They cannot claim any commercial benefits by virtue of British treaties with other States, and they are absolutely excluded from all places and offices of trust, civil and military.

By obtaining from the Crown letters patent of Denization, Foreigners are relieved from these disabilities so far, that they can hold and transmit all kinds of real and personal property, but they can only transmit real property to such of their children as may have been born subsequent to their Denization. They are also permitted, when otherwise qualified, to vote at elections of Members of Parliament.

By obtaining from Parliament an Act of Naturalization, Foreigners acquire all the privileges of Denization, and a slight addition to them. Naturalized

Foreigners may inherit real property, and may transmit it to any of their children, without distinction as to the time of their birth ; and when they have resided in this country seven years from the period of their Naturalization, without having quitted it for more than two months at any one time, they become entitled to the benefit of British treaties in their commercial transactions with foreign States.

From the evidence taken before the Committee, it seems doubtful whether the disabilities imposed on persons of foreign birth, residing within Great Britain, are not more rigorous than those imposed on the same class of persons in other European countries.

Whatever may have been alleged in favour of the present system at the close of the 17th century, when it might be recommended by arguments derived from the political circumstances of the times, it cannot be justified now on any grounds of special expediency.

It has often been laid down by economical writers, that it is desirable for every people to encourage the settlement of Foreigners among them, since by such means they will be practically instructed in what it most concerns them to know, and enabled to avail themselves of whatever foreign sagacity, ingenuity, or experience may have produced in art and science which is most perfect. Men seldom emigrate to a foreign country except to better their condition, and, under ordinary circumstances, the change can only better their condition when they are possessed of some skill, information, or economy superior to that in use in the country they repair to, the peculiar possession of which will compensate them for the many disadvantages they must otherwise, as strangers, encounter there. The immigration of such Foreigners into any country must be attended with reciprocal advantages.

As an illustration of the practical benefits which might accrue from the migration of foreign skilled-labour to this country, it was stated to the Committee, and indeed the fact is generally known, that the manufacture of piano-fortes was introduced into England about half a century ago by some Germans who settled in London ; that now English manufacturers not only supply the demand of the home market, but that they export in considerable quantities, and sometimes into Germany itself, these products of their industry. If we go back to a more distant period, we shall find reason to doubt whether any country has so much profited as our own by the influx of Foreigners. When persecution drove the inhabitants of the North of Italy, of the Low Countries, and the South of France, from their own habitations, they crowded to our shores. They brought with them their wealth when they had any, and they brought what was far more valuable, their skill and enterprize, which they fixed and planted in England. And there can be no question that they abundantly repaid us, by instructing our people in various valuable employments of industry, for the asylum which our humanity accorded them.

Assuming then, that it is expedient rather to promote than to discourage the the accession of skilful and industrious Foreigners to the British community, Your Committee are of opinion that the mode of admission now in practice is open to objection on two grounds ; first, the expense which attends the process, whether by Act of Parliament or by the Royal Prerogative ; and, secondly, the delays by which it is accompanied.

Your Committee also consider that it is highly desirable to augment the privileges to be conferred on Foreigners by Naturalization.

The expenses attending the passing of an Act of Naturalization have been  
represented



represented to the Committee as not necessarily exceeding £.100. It may be doubted, however, whether all the charges incidental to the process are often defrayed by that sum. The sum, whatever it may practically be, appears not unfrequently sufficient to deter Foreigners from seeking the benefit of an Act of Naturalization, and to be generally exceptionable by reason of its amount. Although it has been stated to the Committee that Bills for naturalizing Foreigners are never impeded in their progress through Parliament by opposition, considerable time is necessarily consumed before they can in any case receive the full sanction of the Legislature; and of course an Act can be obtained at that portion of the year only during which Parliament is assembled. The delays and obstacles thus interposed are felt by Foreigners as practical evils.

The number of Foreigners naturalized in this country does not, on an average, exceed eight in the course of the year. Nor is this very surprising. The expense of an Act of Parliament is considerable, and the utmost latitude to which Parliament admits Foreigners to the rights of British subjects amounts to little beyond the privilege of holding land in this country, as it is held by native subjects, a privilege which France and other European States throw open to all the world without restriction and without inquiry.

The privileges acquired by Denization fall short even of this small immunity, yet the cost of letters patent of Denization is not less than £.120.

To spare so heavy an expense to individuals, it has been the ordinary practice of the Home Office since the year 1795, to include the names of several parties, not exceeding seven, in the same instrument, among whom the official expenses are equally distributed. But this accommodation is only made available by deferring the preparation of the letters patent till there are as many as seven Foreigners applying to the Secretary of State to be admitted as Denizens, a course occasionally involving considerable delay. If in any instance it be found expedient to admit Foreigners to the exercise of certain of the rights of British subjects, it would seem better that the Act of Grace should neither be interrupted in its course by delays, nor burthened with expenses.

At present the applicant to Parliament for an Act of Naturalization is required to produce from the Secretary of State for the Home Department a certificate vouching for his good conduct and loyalty. Without such document the House of Lords, with which these Acts always originate, would refuse to read the Bill a second time. The certificate being produced, the Bill proceeds through both Houses of Parliament without further question.

Denization is conferred by the authority of the Crown through the Home Secretary of State.

It does not appear that in either case any very careful examination is instituted into the circumstances or intents of the applicant. A statement, signed by any person whom the Secretary of State considered respectable, alleging that the Foreigner seeking to be naturalized was known to him as a man of character, would be deemed a testimonial sufficient to warrant the official certificate, and Letters of Denization are granted with even less formality.

In both cases it will be observed, that the power of conferring on or withholding from, Foreigners the rights of native subjects practically resides in the Secretary of State for the Home Department.

Your Committee are of opinion, that the Secretary of State might advantageously be invested with full authority to grant to Foreigners all those rights,

as well as the capacity to fill all of those offices and employments falling within the scope of the present inquiry, from which they are excluded by the Act of Settlement. The form of Denization would thus be practically abolished, to which they may in future be admissible.

Your Committee are also of opinion that, in the exercise of this authority by the Secretary of State, it would be convenient to follow, in some respects, the precedent afforded by the Irish statute, 14th & 15th Chas. 2, c. 13; and then a licence or certificate, such as is now used for similar purposes by the Lord Lieutenant and Privy Council of Ireland, should be substituted for the expensive process of letters patent; but that, as the Committee contemplate the granting, by these means, to Foreigners more considerable rights than are now conferred by an Act of Parliament, it would be desirable for the Secretary of State to require of each candidate for such privileges fuller proofs of his fitness for Naturalization than he is now called upon to exhibit; and that one test of fitness assumed in the Irish law, viz. intent to settle and abide in the country, should be adopted also in Great Britain.

The most important branch of the inquiry referred to the Committee relates to the extent of British rights which it might be expedient to grant to resident Foreigners by some form of Naturalization.

With regard to Foreigners of good repute, and especially manufacturers and artisans who have come to this country with the intent to settle here, it was doubted by several witnesses whether they ought to be denied any of the rights of native subjects which they can beneficially exercise. If they, who bring industrial advantages to this country, are willing to undertake all the duties of British subjects and to share in all British interests, it would seem a judicious policy to invest them also with British privileges. The offer of these privileges would probably invite to our shores strangers very useful to our national interests. The remarkable success with which Venice, the Hans Towns, and more particularly Holland (as set forth in the state document called *La Richesse de la Hollande*), attracted to their territories the skill, ingenuity, and enterprise of other nations, by holding out to Foreigners the boon of citizenship; and the extraordinary advantages which those states derived from it, is sufficiently familiar to every mind. Something of the same kind occurs in our own history. In the reign of Charles the Second, a period which has been emphatically called "the era of good laws," an Act was passed, awarding civil rights of every description to Foreigners who should engage here in any of the various employments connected with hemp and flax manufactures, or with the manufacture of any kind of tapestry. The law is said to have proved very advantageous to British industry.

Some modification of this principle has been adopted by our Legislature in recent times, in the Acts "for encouraging Seamen to enter his Majesty's service," "for naturalizing such foreign Protestants as shall settle in the American colonies," and "for encouraging the Fisheries."

The full principle was, however, adopted, and far more extensively applied in Ireland by 14th & 15th Chas. 2, c. 15, as a means of inducing foreign merchants and artificers to settle in that country.

This statute was limited in duration to seven years, but it was afterwards continued five years longer by the 2d Anne, c. 14, the preamble stating that it "had been found highly beneficial;" and the same recital was used in the preamble of the 4th Geo. 1, c. 9, by which the original statute was made perpetual. This statute related to foreign Protestants only; but the 23d & 24th

Geo. 3, c. 38, passed by the Administration of Mr. Pitt, extended these privileges to Foreigners of all religious persuasions, Jews only being excepted. This law is considered to be still in force in Ireland.

The English Act of Charles 2d, inviting certain classes of industrious Foreigners to settle here, was of course repealed by the 12th & 13th Will. 3, c. 2, and those causes have long ceased to operate which once drove foreign manufacturers for refuge to England. Foreign industry no longer migrates to this country for an asylum; and while English artizans are settling freely in other countries, carrying with them and disseminating a knowledge of those processes of manufacture to which this country is so much indebted for its commercial wealth and its political power, the laws of this country afford less inducement than might be desired to Foreigners to settle here.

It cannot be in itself desirable for Great Britain, which is so deeply interested in trade and manufactures, to maintain laws which have a tendency to deter from settling here Foreigners who may be better acquainted than our own people with processes, inventions, and discoveries important to the pursuits of industry. It cannot be desirable to create inducements to Foreigners to carry away and disburse in other countries the wealth they have accumulated in this; and it would be difficult to assign a satisfactory reason why the State should be denied the services of a naturalized Foreigner, if his superior skill, information, or ability gave him superior recommendation for employment.

For these reasons Your Committee would recommend that provision should be made by law for the more easy admission of Foreigners resident in this country to whatever rights the Legislature may think fit to invest them with, and that such rights should include the capacity to fill certain offices of trust, and employments civil and military.

Some doubts were expressed by one of the witnesses, to whose judgment and experience great deference is due, whether it would be expedient to invest a person of foreign birth with the functions of Justice of the Peace. Undoubtedly an individual, to whom the language, laws, and customs of this country are not familiar, would seem ineligible for the Magistracy; but this description is by no means universally applicable to those whom the laws of this country consider Foreigners. Some persons are deemed Foreigners by the law who are and have always been members of the British community in every respect, save in legal technicalities. There are others who, by long residence in the kingdom (and especially where that residence has commenced in early life), and by close and constant intercourse with British society are well qualified for performing the magisterial duties with efficiency, and in a way to ensure public satisfaction. Such persons, especially if in the latter class, as in the former, they should be connected with this country by landed property, by marriage, and by other social relations, appear to Your Committee not ineligible for the Commission of the Peace; and as the fitness of each individual for the exercise of such functions is a matter of consideration with the Executive Government, Your Committee do not recommend that any general disability to this effect should attach to naturalizing Foreigners.

There are, however, other disabilities than those imposed on Naturalized Foreigners by the Act of Settlement, from which it is desirable that they should be released. By the 3d & 4th Will. 4, c. 54 & 55, persons of foreign birth are precluded from owning British registered shipping, so that the Foreigner, acting as a merchant in London, is compelled by law to invest the

capital he would have expended on British vessels in vessels built in other countries. "There are," says Mr. M'Gregor, in his evidence before the Committee, "foreign merchants who, instead of becoming proprietors of British ships, have invested their money in ships built at Archangel, Dantzic, and Rotterdam; and there are several foreign-built vessels in the Neapolitan trade similarly owned by British and Sicilian subjects."

But the evil does not end here. The foreign ship is of necessity manned with foreign seamen, in compliance with the navigation laws of other States; and, by one of the provisions in our own navigation laws, she is prevented from importing into the United Kingdom any commodities except such as are the production of the country where she is registered; that is to say, a ship built in Hamburgh can import nothing into Great Britain which is produced in any other State of Europe (certain enumerated articles excepted), and nothing whatever which is produced in any country of Asia, Africa, or America!

By statute 14th of Geo. 3, c. 84, no Naturalized Foreigner is entitled to claim in any foreign country, any of the immunities in trade enjoyed there by British subjects, unless he shall have resided in the United Kingdom seven years from the date of his Act of Parliament, never having quitted for more than two months at any one time. This law must prove a considerable obstacle to Foreigners engaged in commerce in this kingdom; and the object with which it was enacted, that of preventing Foreigners from obtaining the rights of British subjects, in order that, with those advantages acquired, they might transfer themselves to other countries, would be practically secured, if the intent to settle and abide in this country were rendered a condition of Naturalization, and were investigated at the Home Office before granting the certificate.

Several of the witnesses examined by the Committee expressed a decided opinion that it would be expedient to permit Aliens to acquire real property in this country with the same facility as in France and other European States. It is contended that Foreigners are allowed to hold property in the Funds to any extent; that by paying the cost of Letters of Denization they may acquire a legal right to hold any extent of land; that the law which forbids an Alien to hold land is openly and easily evaded, and that this law, with all others to which the State cannot command obedience, would be much better abandoned and repealed.

On the other hand, it has been remarked that were a better system of conferring native rights on Foreigners adopted, and were the process rendered less expensive and more expeditious than at present, little practical evil would accrue from rendering a Foreigner's capacity to hold land dependent on Naturalization, and that as in Great Britain certain civil and moral duties are considered to be attached to the possession of landed property, which could hardly be performed by non-resident Aliens, it would be well for the State, on this ground, to refuse the capacity of holding real property to Foreigners not domiciled in this country.

The attention of the Committee has been directed to the 4th & 5th Will. 4, cap. 3, called the Alien Act, which requires that every Foreigner landing in this country shall immediately exhibit to the chief officer of Customs at the port of his debarkation any passport in his possession, and shall declare to him, either verbally or in writing, his name, birth-place, and the country that he is coming from; and that he shall be subject to a penalty of 2 *l.* for neglect

lect or refusal. Such is the Act of Parliament, but it is very generally disregarded by Foreigners, and it is never enforced by the authorities.

During the year 1842 it appears that of the number of Foreigners who were officially reported to have landed in London, less than one-half conformed to the provisions of this Act.

That during the same year, of 794 Foreign persons who landed at Hull, one only registered.

That at Southampton, where 1,174 Foreigners arrived in the course of the same year, not one registered.

That at Liverpool during the same year, no Foreigners registered at all, and there was not even a report made of the number of their arrivals.

There is, in fact, no provision in the statute for recovering the penalties of disobedience; it is consequently only conformed to by such persons as are either ignorant of that defect, or are led to observe the law of the country from a sense of propriety.

As there is a general objection to the existence of laws to which obedience cannot be compelled, and as in this instance the restriction imposed, falls only on the orderly and obedient, while the negligent or contumacious enjoy impunity, and as, moreover, there is a certain annual expense incurred by the country for the machinery necessary to obtain this chance-conformity, it seems desirable that the law should be altered or repealed.

Your Committee are unwilling to terminate the task they have accepted, without recording their opinion that it is highly expedient to consolidate and amend the whole law relating to Alienage. At present that law is neither remarkable for clearness nor uniformity, and its operation is occasionally marked by harshness and injury.

The law of England recognizes three sorts of Naturalizing Acts, or, to use the words of Lord Bacon, the law takes notice of three degrees of persons in Naturalization: 1st, Naturalization by birth; 2d, Naturalization by general statutes; 3d, Naturalization by special Act of Parliament.

By the common law it was established that every one born within the liegeance of the King of England is an English subject, but some doubt is said to have existed, whether the children of English subjects born out of the liegeance of the King were entitled by the common law to that benefit. It was therefore enacted by the 25th Edward 3d, that all the children of English Fathers and Mothers born abroad should be naturalized with three exceptions: 1st, If the parents were not at the time of such children's birth at faith and liegeance to the King; 2dly, If the children were illegitimate; 3dly, If the mother had crossed the seas without the leave of her husband.

The next general law on this subject is the 7th Anne, which naturalizes all the children of British subjects born out of the Kingdom, without any of the conditions by which the operation of the ancient statute was restrained. Although, by a decision of the Judges in the 16th year of Chas. 1st, in the case of Bacon *v.* Bacon (Cro. Car.), and in King *v.* Eaton, it was determined that children born abroad of English Fathers were English subjects, yet in the reign of Geo. 2d it seems to have been thought doubtful whether by virtue of either of the above-named statutes the rights of native-born subjects were inherited by those children born abroad, one of whose parents only was a subject of England, and therefore recourse was had to Parliament.

By the statute 4th George 2, c. 2, which is intituled, "An Act to explain a Clause in the 7th Anne," it is provided "that all children born out of the

liegeance of the Crown of England or Great Britain, whose fathers were or shall be natural-born subjects of the Crown of England or of Great Britain at the time of the birth of such children respectively, shall by virtue of the Act of 7th Anne be taken to be natural-born subjects to all intents, purposes, and constructions." Neither the Act of Anne nor that of George 2d notice at all the statute of Edward 3d, which had been declared, by two separate decisions, to naturalize all those whose fathers were English, and which seems to naturalize those also whose mothers were English.

Yet it was held by the Judges in 1791, in the case of *Duroure v. Jones*, that by the Act 4th George 2d, the heritable capacity is limited to the children of English fathers only; and such is generally taken to be the law of England at present. A child born abroad, therefore, of an English mother and foreign father, cannot succeed to the property of his mother, nor inherit the rights of a British subject.

Again, In regard to the descendants of British subjects by the paternal line, born abroad; by the statute 13th George 3, c. 2, called an Act to extend the provisions of the 4th George 2, c. 21, it is provided that all the children born abroad of those fathers who were naturalized by the Act of George 2d, shall be naturalized by virtue of this Act of George 3d; that is, the grandchildren of British subjects shall be British subjects. If, however, the statute 25th of Edward 3d naturalized, in perpetual succession, all those whose fathers were subjects, as some persons have held, this law is plainly redundant and unnecessary.

Even the Act of George 2d seems to make this statute redundant. By that Act the child of a British subject is a British subject; now a subject has of necessity the double capacity of inheriting and transmitting native rights; for Lord Bacon says, "there be but two conditions, native and alien, *nam tertium penitus ignoramus*;" but if in any case a British subject have ability to inherit and not ability to transmit his rights, then there must be a third or intermediate condition, which Lord Bacon denies is known to the law of England, and it cannot be pretended that the Act of George 2d intended to set up so important a distinction.

Yet the preamble to the 13th George 3, c. 2, recites that no provision hath hitherto been made to extend the heritable ability further than to the children born out of the liegeance of His Majesty, whose fathers were natural-born subjects of the Crown of England or Great Britain, and then the statute goes on to enact that the next generation also shall be naturalized by birth.

So much doubt, indeed, hangs over this subject, that when a case arose a few years ago, in which a party whose grandfather had been born out of the British dominions wished to establish his rights as a British subject, and the opinions of the most eminent lawyers in the country were taken on the question, five of them held that he could inherit, and five that he could not. On the other hand, the Earl of Athlone, seventh in descent from Godart de Ginckell, created by King William in March 1691-2, Earl of Athlone, and who claimed to take his seat in the Irish House of Peers in 1795 (more than a century after the family had left these kingdoms to reside in Holland), was admitted by that assembly to be a native-born subject of the British Crown, and he took his inheritance within the liegeance of the King accordingly.

Your Committee are of opinion, that it is very desirable that all these ambiguities should be removed.

The second sort of naturalizing act is that which takes place, not by birth,  
but

but by the compliance of an Alien with conditions required by Parliament. These conditions are various.

The benefit of Naturalization is offered by law to foreign persons serving two years on board British ships, upon proclamation in time of war; to Foreigners residing seven years in the British colonies in America; to Foreigners serving three years in the Northern Whale Fisheries, and two years in America; and in Ireland to Foreigners admitted to the Corporations of Drogheda and of Dublin. It is to be observed, that from these benefits there are some exclusions of persons professing the Catholic religion.

Your Committee are of opinion that it is highly expedient to consolidate and revise these scattered enactments, and to introduce into the law on this subject uniformity of principle and consistency of purpose.

The third sort of Naturalization is that which takes place under private Acts of Parliament, Acts which are passed on the petitions of individuals, who acquire certain rights of native-born subjects, by paying the fees for passing these measures through Parliament, and by submitting to whatever conditions are imposed on such persons by laws relating to the Naturalization of Foreigners. This subject the Committee have already fully considered, and have recorded their opinions on it at length.

2 June 1843.



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## PROCEEDINGS OF THE COMMITTEE.

*Veneris, 7° die Aprilis, 1843.*

## MEMBERS PRESENT.

MR. HUTT IN THE CHAIR.

MR. DARBY.  
MR. STOCK.  
MR. GASKELL.  
LORD ALFRED HARVEY.  
LORD MAHON.

MR. SMYTHE.  
SIR JOHN HANMER.  
SIR GEORGE GREY.  
MR. AGLIONBY.  
LORD H. VANE.

Motion made (The *Chairman*), "That it is expedient to enable foreigners to purchase and hold all descriptions of real and personal property in this country, in the same manner as native-born subjects."

Whereupon the following amendment (Mr. *Darby*) was proposed, and question put,

"That this Committee find, by the existing law, Aliens cannot possess real property, nor hold leases nor shares in British registered vessels, unless by letters of denization or Act of naturalization; the expense of the former varying from 120*l.* to 28*l.*, according to the number of persons included in such letters, the least expense of the latter being 100*l.*"

"That an Act of naturalization is larger in its operation than letters of denization, as respects the rights of children born before the date of them respectively, and as respects the privilege of foreign factories."

"That it appears to this Committee that the provisions of the 13th Geo. 3, c. 21, have created doubts as to the effect of the 4th Geo. 2, c. 21, which affects the right of descendants of British subjects born abroad to inherit property in this country."

"That it is expedient to consider the question of Alienage in regard to the descendants of British subjects through the paternal line and sons of British mothers, through the maternal line, and to the sons of British mothers, with a view to remove all doubts and ambiguity respecting the extent of their rights."

"That it appears, that under the 6th Will. 4, c. 11, the number of Aliens who were known to have arrived in this country were 11,600, of these only 6,084 were registered; and that there is no mode of recovering the penalty of 20*s.* when an Alien neglects to register under that Act."

"That in France and Belgium, and in some other countries, Aliens admitted to the civil rights of those countries are required to renounce their allegiance to their own."

"That this Committee feel that the holding of lands and offices of trust by Aliens is a subject involving great constitutional and political considerations; that the evidence before the Committee with respect to it is speculative and contradictory, and, as regards the law of foreign countries, very imperfect."

"The Committee are of opinion, that they are not prepared to recommend specific alterations, and with these observations consider it most expedient to report the evidence for the consideration of The House."

It passed in the negative.

Another amendment (Sir *George Grey*) was proposed and question put, "That it is expedient to make provision by law for the more easy admission of foreigners resident in this country to the acquisition of property, the exercise of certain civil rights of British subjects, and the capacity to fill certain offices of trust and employments, civil and military." Agreed to.

Motion made (The *Chairman*) and question put, "That it is expedient to substitute for the present method of naturalization by Act of Parliament, some less costly and more expeditious means of conferring these rights." Agreed to.

Motion made (The *Chairman*) and question put, "That it is expedient that these rights should be conferred according to the practice which now obtains on granting denization, but by means of an instrument exempt from the costs at present attendant on letters patent under the Great Seal." Agreed to.

Motion



Motion made (by Mr. *Ewart*) and question proposed, "That the statute 6 Will. 4, c. 2, called the Alien Act, requires revision, with a view to remove certain inconveniences stated to be now imposed upon foreigners on their arrival in this country."

Whereupon the following amendment (by Lord *Mahon*) was proposed and question put, "That the statute 6 Will. 4, c. 2, called the Alien Act, requires revision, with a view to remove, as far as possible, certain inconveniences stated to be now imposed by it upon foreigners on arriving in this country; but that the Committee do not feel warranted in recommending a departure from the main object and principle of that Act."

The Committee divided :

Ayes, 4.	Noes, 6.
Lord Mahon.	Mr. Ewart.
Mr. Gaskell.	Sir George Grey.
Sir John Hanmer.	Mr. Aglionby.
Lord Alfred Harvey.	Mr. Smythe.
	Mr. Serjeant Stock.
	Lord H. Vane.

Original question put, "That the statute 6 Will. 4, c. 2, called the Alien Act, requires revision, with a view to remove certain inconveniences stated to be now imposed upon foreigners on their arrival in this country."

The Committee divided :

Ayes, 5.	Noes, 4.
Mr. Ewart.	Sir John Hanmer.
Mr. Gaskell.	Mr. Smythe.
Mr. Aglionby.	Lord A. Harvey.
Mr. Serjeant Stock.	Mr. Darby.
Lord H. Vane.	

Motion made (The *Chairman*) and question proposed, "That it is expedient to consider the question of Alienage in regard to the descendants of British subjects through the paternal line, and to the sons of British mothers, with a view to remove all doubt and ambiguity respecting the extent of their rights, and to modify the restrictions practically imposed by the construction put upon existing statutes relating to them."

Whereupon the following amendment was proposed (by Mr. *Darby*) and question put, "That it is expedient to consider the whole question of Alienage, particularly in regard to the descendants of British subjects through the paternal line, and to the sons of British mothers, with a view to remove all doubt and ambiguity respecting the extent of their rights."

The Committee divided :

Ayes, 5.	Noes, 5.
Mr. Darby.	Mr. Gaskell.
Lord A. Harvey.	Lord Mahon.
Lord H. Vane.	Mr. Ewart.
Mr. Aglionby.	Sir George Grey.
Sir John Hanmer.	Mr. Serjeant Stock.

The Chairman declared himself with the Noes.

So it passed in the negative.

Question again proposed, "That it is expedient to consider the whole question of Alienage, particularly in regard to the descendants of British subjects through the paternal line, and to the sons of British mothers, with a view to remove all doubt and ambiguity respecting the extent of their rights."

Another amendment was proposed,

Whereupon a motion was made (by Mr. *Ewart*) and question put, "That it is expedient that the law of Alienage be reconsidered, with a view to remove existing ambiguities, and to consolidate the law upon the subject."

The Committee divided :

Ayes, 8.	Noes, 2.
Mr. Ewart.	Mr. Darby.
Sir John Hanmer.	Lord Mahon
Sir George Grey.	
Mr. Aglionby.	
Lord H. Vane.	
Mr. Smythe.	
Mr. Serjeant Stock.	
Lord A. Harvey.	

Original question put and negatived.

Chairman requested to draw up a Draft Report thereupon.

[Adjourned.]

*Martis, 30<sup>o</sup> die Maii, 1843.*

MEMBERS PRESENT.

MR. HUTT IN THE CHAIR.

MR. CRIPPS.  
MR. EWART.  
MR. AGLIONBY.  
LORD ALFRED HARVEY.  
MR. DARBY.

SIR JOHN HANMER.  
LORD MAHON.  
SIR EDWARD COLEBROOKE.  
SIR GEORGE GREY.  
MR. GASKELL.

Draft Report read paragraph by paragraph.

Paragraph read as follows:—"From the evidence taken before the Committee, it seems doubtful whether any other civilized country has prescribed so many rigorous restraints to persons of foreign birth residing within its dominions, and the Committee are unable to discover that this deviation of Great Britain from the liberal policy of enlightened nations, is supported by any considerations of prudence or necessity."

Amendment proposed (by Sir *George Grey*), "To leave out from the word 'whether' to the end of the paragraph, for the purpose of inserting "the disabilities imposed on persons of foreign birth residing within Great Britain, are not more rigorous than those imposed on the same class of persons in other European countries.'"

Another amendment, proposed (by Mr. *Ewart*), "To leave out from 'Committee,' to the end of the paragraph, for the purpose of inserting 'it appears that the disabilities imposed on Foreigners by the laws of this country, are greater than those existing in many other nations of Europe.'"

Question put, "That the words proposed to be left out (by Sir *George Grey*) stand part of the proposed Report."

It passed in the negative.

All the words after "whether" struck out.

Question put, "That the following words be there inserted, viz. 'The disabilities imposed on persons of foreign birth residing within Great Britain, are not more rigorous than those imposed on the same class of persons in other European countries.'"

The Committee divided:

Ayes, 7.  
Mr. Cripps.  
Mr. Darby.  
Sir John Hanmer.  
Lord Mahon.  
Sir George Grey.  
Mr. Gaskell.  
Sir E. Colebrooke.

Noes, 2.  
Mr. Ewart.  
Lord Alfred Harvey.

Words inserted. Paragraph, as amended, agreed to.

Question put, "That the following paragraph stand part of the proposed Report, 'Whatever may have been alleged in favour of the present system at the close of the 17th century, when it might be recommended by arguments derived from the political circumstances of the times, it cannot be justified now on any grounds of special expediency.'"

The Committee divided:

Ayes, 7.  
Mr. Ewart.  
Lord Alfred Harvey.  
Sir John Hanmer.  
Lord Mahon.  
Sir Edward Colebrooke.  
Sir George Grey.  
Mr. Gaskell.

Noes, 2.  
Mr. Darby.  
Mr. Cripps.

The following paragraph was read:—"It has often been laid down by economical writers, that it is desirable for every people to encourage the settlement of Foreigners among them, since by such means they will be practically instructed in what it most concerns them to know, and enabled to avail themselves of whatever foreign sagacity, ingenuity, or experience may have produced in art and science which is most perfect. Men seldom emigrate to a foreign country except to better their condition, and, under ordinary circumstances, the change can only better their condition when they are possessed of some skill, information, or economy superior

superior to that in use in the country they repair to, the peculiar possession of which will compensate them for the many disadvantages they must otherwise, as strangers, encounter there. The immigration of such foreigners into any country must be attended with reciprocal advantages."

Amendment proposed, "To leave out the following words, 'the immigration of such foreigners into any country must be attended with reciprocal advantages.'"

Question put, "That the words proposed to be left out stand part of the proposed report."

The Committee divided :

Ayes, 6.	Noes, 3.
Mr. Ewart.	Mr. Cripps.
Mr. Gaskell.	Lord Alfred Harvey.
Sir E. Colebrooke.	Mr. Darby.
Lord Mahon.	
Sir John Hanmer.	
Sir George Grey.	

Question put, "That the two following paragraphs stand part of the proposed Report :"

"Several of the witnesses examined by the Committee, and among others, Lord Brougham, expressed a decided opinion that it would be expedient to permit Aliens to acquire real property in this country with the same facility as in France and other European States. It is contended that foreigners are allowed to hold property in the funds to any extent; that by paying the cost of letters of denization they may acquire a legal right to hold any extent of land; that the law which forbids an Alien to hold land is openly and easily evaded, and that this law, with all others to which the State cannot command obedience, would be much better abandoned and repealed."

"On the other hand, it has been remarked that were a better system of conferring native rights on Foreigners adopted, and were the process rendered less expensive and more expeditious than at present, little practical evil would accrue from rendering a Foreigner's capacity to hold land dependent on naturalization, and that as in Great Britain certain civil and moral duties are considered to be attached to the possession of landed property, duties which it is every way desirable to uphold, but which could hardly be performed by non-resident Aliens, it would be well for the State to extend to these obligations the sanction of its ostensible recognition, by refusing the capacity of holding real property to foreigners not domiciled in this country."

The Committee divided :

Ayes, 7.	Noes, 2.
Mr. Ewart.	Mr. Darby.
Mr. Cripps.	Lord Alfred Harvey.
Mr. Gaskell.	
Lord Mahon.	
Sir John Hanmer.	
Sir E. Colebrooke.	
Sir George Grey.	

The following paragraph was read:—"The English Act of Charles 2d, inviting certain classes of industrious Foreigners to settle here, was of course repealed by the 12th & 13th Will. 3, c. 2, and those causes have long ceased to operate which once drove foreign manufacturers for refuge to England. Foreign industry no longer migrates to this country for an asylum; and while English artizans are settling freely in other countries, carrying with them and disseminating a knowledge of those processes of manufacture to which this country is so much indebted for its commercial wealth and its political power, the laws of this country afford less inducement than might be desired."

Amendment proposed (by Mr. *Darby*), "To leave out from the word 'England' to the end of the paragraph."

Question put, "That the words proposed to be left out stand part of the proposed Report."

The Committee divided :

Ayes, 6.	Noes, 3.
Mr. Ewart.	Mr. Darby.
Mr. Gaskell.	Mr. Cripps.
Lord Mahon.	Lord Alfred Harvey.
Sir John Hanmer.	
Sir E. Colebrooke.	
Sir George Grey.	

The following paragraph was read:—"For these reasons Your Committee would recommend that provision should be made by law for the admission of Foreigners resident in this country to the exercise of all such civil rights, and to a capacity to fill all such employments and offices of trust, as have been referred to their consideration. The advantages of such an enactment, in the opinion of the Committee, are manifest and defensible, and they appear also greatly to outweigh any evil that could possibly accrue from it."

Amendment proposed (by Sir *George Grey*), “ To leave out from the word ‘ recommend ’ to the end of the paragraph, for the purpose of inserting, ‘ for the more easy admission of Foreigners resident in this country to whatever rights the Legislature may think fit to invest them with, and that such rights should include the capacity to fill certain offices of trust and employment, civil and military.’ ”

Question put, “ That the words proposed to be left out stand part of the paragraph.”

The Committee divided :

Ayes, 4.	Noes, 5.
Mr. Ewart.	Mr. Cripps.
Sir John Hanmer.	Lord Alfred Harvey.
Sir E. Colebrooke.	Mr. Gaskell.
Sir George Grey.	Lord Mahon.
	Mr. Darby.

Words struck out.

Question proposed, “ That the following words be there inserted ; viz. ‘ For the more easy admission of Foreigners resident in this country to whatever rights the Legislature may think fit to invest them with, and that such rights should include the capacity to fill certain offices of trust and employment, civil and military.’ ”

Amendment proposed to the question (by Lord *Mahon*), “ To leave out from the word ‘ with ’ to the end of the question, for the purpose of inserting, ‘ That The House should take into its serious consideration whether those rights may not also, in some degree, be safely extended.’ ”

Question put, “ That the words proposed to be left out stand part of the question.”

The Committee divided :

Ayes, 6.	Noes, 3.
Mr. Ewart.	Lord Mahon.
Lord Alfred Harvey.	Mr. Darby.
Mr. Gaskell.	Mr. Cripps.
Sir John Hanmer.	
Sir E. Colebrooke.	
Sir George Grey.	

Original question put and agreed to.

Words inserted.

Report agreed to.

To report.

## LIST OF WITNESSES.

### *Veneris, 24<sup>o</sup> die Martii, 1843.*

William Vizard, Esq.	- - - - -	p. 1
The Right Hon. Lord Brougham and Vaux	- - - - -	p. 8
Alexander William Kinglake, Esq.	- - - - -	p. 12

### *Luna, 27<sup>o</sup> die Martii, 1843.*

Mr. Serjeant Stock, M.P.	- - - - -	p. 20
Henry Walmisley, Esq.	- - - - -	p. 27
John M'Gregor, Esq.	- - - - -	p. 29

### *Mercurii, 29<sup>o</sup> die Martii, 1843.*

Samuel March Phillipps, Esq.	- - - - -	p. 43
Mr. Harvey Gem	- - - - -	p. 52

### *Veneris, 31<sup>o</sup> die Martii, 1843.*

John Lewis Mallet, Esq.	- - - - -	p. 56
John Ward, Esq.	- - - - -	p. 59
The Right Hon. Charles Watkin Williams Wynn, M.P.	- - - - -	p. 68

### *Luna, 3<sup>o</sup> die Aprilis, 1843.*

The Right Hon. Lord Ashburton	- - - - -	p. 74
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## MINUTES OF EVIDENCE.

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*Veneris, 24<sup>o</sup> die Martii, 1843.*

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### MEMBERS PRESENT.

Mr. Aglionby.  
Sir. E. Colebrooke.  
Mr. Cripps.  
Mr. Ewart.  
Mr. Gaskell.  
Sir John Hanmer.

Lord A. Hervey.  
Mr. Hutt.  
Mr. Nicholl.  
Mr. Serjeant Stock.  
Lord Harry Vane.

WILLIAM HUTT, ESQ. IN THE CHAIR.

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*William Vizard, Esq. called in ; and Examined.*

1. *Chairman.*] YOU are a solicitor, residing in Lincoln's-Inn-Fields?—I am.
2. You have paid some attention to the nature and operations of the laws of this country affecting foreigners residing here, have you not?—It has become necessary for me to look into them on one particular occasion, when a client was interested.
3. Besides persons whose extraction and birth are wholly foreign, whom do the laws of this country consider as foreigners?—All born out of the Queen's allegiance, as a general rule. Then there are exceptions. ♦
4. What are the exceptions?—The exceptions are, first, the children of the Sovereign; the children of ambassadors born abroad; the children born abroad, where both parents live in allegiance to the Sovereign, the wife being temporarily absent, with consent of the husband, during the birth, but where the general residence of the father and mother is in England; children of aliens born in England are natural-born subjects. There are also some exceptions in favour of seamen serving in the Queen's ships, and Protestants in the American colonies. I think I have given all under general heads. I do not pretend to give a specific and full detail.
5. With regard to a person born in a foreign state, whose father and grandfather have been subjects, what is the law?—That is another exception.
6. That is an exception created by a Bill altering a clause in the Act of Settlement?—It may be so.
7. *Mr. Aglionby.*] Are there not additions beyond all those born out of the Queen's dominions; for instance, those British-born subjects who settled in America before the Treaty of Independence, and who under that Treaty of Peace had a right of choice, and became subjects of America, throwing off their allegiance to England?—I am not sure. I think they are excepted by an Act of Parliament, passed after the separation of the colonies.
8. Do you mean that a natural-born subject of England, who went to America before the peace, and chose America as his country, can now take land in England?—There is a special exception I see in one statute of Protestants born in the American colonies. The United States of America, as I apprehend, are now in the same situation as France.
9. Are there not a class of persons born within the Queen's dominions, but who have under the American treaty become aliens to England and subjects of another country, namely America?—I apprehend that any one who abandons his allegiance to his own sovereign, if he can do so, and adopts an allegiance to another becomes an alien.

*W. Vizard, Esq.*

24 March 1843

W. Vizard, Esq.

24<sup>th</sup> March 1843.

10. Are there not persons of that class in America?—I believe there are.

11. *Chairman.*] You probably mean those who threw off their allegiance under the particular circumstances of the Treaty of Peace?—There was some special provision in the Treaty of Peace, followed up by an Act of Parliament, to give effect to it. I have been just looking at Bacon's Abridgment, and I see about 20 pages about these disabilities and non-disabilities, and cases of exception; of course I do not pretend to enter into all these.

12. What is the nature of the penalties and restrictions which an alien in this country is placed under?—An alien cannot hold lands; they cannot descend to him; and if he purchases, they become forfeited to the Crown.

13. Can he hold any place or office of trust under the Crown?—No; he may hold a house, I believe; that is, he may take the lease of a house, and he may purchase any personal property for the purposes of trade.

14. Being an alien?—Yes.

15. May he purchase a lease?—I see the text-books I have referred to say he may have a house; whether he can hold it on a lease or not, I do not know. I observe there are a great many cases on that point in Bacon's Abridgment.

16. What is the nature of the rights acquired by a foreigner who becomes a denizen in this country?—A denizen is authorized to purchase land.

17. Can he transmit the lands so purchased to children born prior to his denization?—No.

18. Can he hold any place or office of trust in this country?—No; nor sit in Parliament, nor be a member of the Privy Council, nor take any grant from the Crown.

19. By what means does a person become a denizen?—By a petition to the Crown, which is referred to the Secretary of State. The Secretary of State makes the necessary inquiries, I conclude; it is then referred to the Attorney-general, who reports upon it; and finally it passes the Great Seal in the form of letters patent. The expense of letters of denization is about 120 *l.*, the stamps being 36 *l.*, but that is supposing one individual to take out those letters; but any number, not exceeding 12, are permitted to join, and then the division of the expense comes to about 28 *l.* for each person; and generally, I believe, if a person applying to be a denizen is content to wait, they suspend the letters patent until they have got a certain number who apply, and then put them all into one.

20. Will you describe the means by which an Act of Naturalization is obtained?—A Bill is presented to the House of Lords; it originates generally in the House of Lords; and at the same time the party presents the Bill to the House of Lords, he presents also an application to the Secretary of State, furnishing the Secretary of State with documents to prove himself, in the language used, "A person of sober life and orderly conduct, and well affected to the person and Government of the Sovereign." That is the language of the certificate of the Secretary of State to the House of Lords. Upon the Bill being read a first time, a communication is made from the House of Lords to the Secretary of State that such Bill is pending, and then the Bill does not proceed further till a certificate comes from the Secretary of State's Office in the language I have mentioned.

21. Do you understand that the Secretary of State institutes any inquiry into the circumstances and disposition of the party?—Probably that will be better learned from the Home Office.

22. Are you aware of an objection ever having been made to parties applying for a Bill of Naturalization?—I believe that during the war much greater pains were taken to check the applications for naturalization than there are now. I recollect during the war applying for one, and having great difficulty to obtain it, until I got some parties to move who were immediately connected with the Government.

23. After the Secretary of State has given the certificate you speak of to the House of Lords, the Bill proceeds as a matter of course?—The Bill passes as a matter of course through all its stages afterwards.

24. Are you aware of any objections having been made in the House of Lords to a Naturalization Bill?—No, never.

25. Did you ever hear of any objection being made in the House of Commons?—No; I apprehend the Bill passes quite as a matter of course; if any Member happened to know there was any objection to the individual, he might state it; but I never heard of such a case occurring.

26. Then,

26. Then, practically, the power of granting the Act of Naturalization devolves on the Secretary of State?—Very much so. Perhaps I may point out one inconvenience there is: it is required that the party applying for it shall take an oath at the bar of the House of Lords, so that if a merchant at Liverpool applies for it, he is obliged to come up to town to take this oath.

27. That is, of course, attended with some inconvenience and additional expense?—Certainly.

28. Sir *E. Colebrooke*.] In the case of letters of denization, is there an oath taken by the party also?—There the party takes an oath; but I am not aware where he takes it.

29. *Chairman*.] The form of swearing before the House of Lords is equally required to be gone through, whether the party is resident in London or the extremity of Scotland?—Yes. If the Bill originates in the House of Lords, it is taken before that House; and if in the House of Commons, it must be taken before the Speaker.

30. The law is different in Ireland, is it not?—I am not aware.

31. What are the rights acquired under an Act of Naturalization?—A person naturalized acquires all the rights of a British-born subject, with the particular exceptions which are provided for by the statute, namely, any place or office of trust, civil or military, the Privy Council, the Parliament, and holding offices and taking grants from the Crown.

32. What are the expenses attendant upon obtaining an Act of Naturalization?—About 100 *l*. Such an Act applies to only one individual; that 100 *l*., of course, does not include the expense of the applicant in coming up from Liverpool, or wherever he may be resident, to take the oaths.

33. What are the principal statutes which impose those disqualifications upon persons of foreign birth?—The Act of Settlement is the principal Act. It was necessary that a denizen and a person naturalized should take the Sacrament under the Act of Settlement; whether the Act for removing the disabilities of Roman-catholics has rendered that unnecessary, I am not aware.

34. The Act of Settlement, which is the chief statute affecting the disqualification of foreigners, is an object of peculiar veneration, is it not?—I have always been taught to look at it as such.

35. Has any one ever before been bold enough to propose any alteration in it?—It has been the subject of considerable alteration. The Act is the 2d chapter of the 12th and 13th of William 3. Here is a provision which is repealed: "That the person who holds the Crown shall not go out of England;" that was repealed by the Act of 1 Geo. 1. c. 51. The next is, "That from and after the time that the further limitation by this Act shall take effect, all matters and things relating to the well-governing of this kingdom, which are properly cognizable in the Privy Council by the laws and customs of this realm, shall be transacted there." That is repealed also. "That no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging, (although he be naturalized or made a denizen, except such as are born of English parents,) shall be capable to be of the Privy Council, or a Member of either House of Parliament, or to enjoy any office or place of trust, either civil or military, or to have any grant of lands, tenements, or hereditaments from the Crown to himself, or to any other or others in trust for him; that no person who has an office or place of profit under the King, or receives a pension from the Crown, shall be capable of serving as a Member of the House of Commons." The latter also is repealed. Then there is a provision about the independence of the judges, which has been altered by the Act 1 Geo. 3.

36. The greater number of the provisions in this Act have, therefore, been repealed already?—I should think about half of them.

37. Are not other provisions of the Act occasionally suspended?—Certainly; suspended by Act of Parliament.

38. Do you consider the present state of the law affecting aliens perfectly satisfactory?—I think it is productive, frequently, of great inconvenience to individuals, and that the grounds on which those restrictions were originally imposed have ceased now to require their being preserved.

39. Can you give any illustration, any case in which you conceive they have operated harshly?—I can give a case which occurred within my own knowledge.

*W. Vizard, Esq.*  
 24 March 1843.

40. Have the kindness to state the case, without introducing names?—A gentleman was about to be married, about 20 years ago; he was then 25 years of age; down to that time he had not the slightest doubt that he was a natural-born subject, and entitled to all the privileges of a British subject; he was the son of an English gentleman, of very large landed property, who for very many years was a Member of the House of Commons. There were circumstances attending the birth of this child which made him an alien. He was born abroad, and at the age of 25, being brought up in England, and in all respects receiving the education of an English gentleman, was about to be married to a lady with a very large fortune in possession, and a still more considerable fortune to which she was heiress presumptive. Upon preparing the settlement, I found this gentleman would be unable to take this property, and a Naturalization Act was obtained to remove, in part, his disabilities. This property, I believe, is 7,000*l.* or 8,000*l.* a year, which will come to him and his family; so that he is occupying a very considerable position in the country where this property is situated; but he cannot be in the commission of the peace, he cannot be a candidate for any place to sit in Parliament, and, considering the position which his property gives him, he is placed under very awkward circumstances.

41. In fact, though technically a foreigner, he is, to all intents and purposes, an Englishman?—Just so; he came to England at two years old.

42. Lord *Harry Vane*.] Have the goodness to state the circumstances which rendered him a foreigner?—He was born abroad, and did not come within either of the excepted cases.

43. *Chairman*.] Do not similar cases of hardship under the laws occur in the cases of mixed marriages?—I think the son of a British father, although the mother be an alien, would be a natural-born subject.

44. Do you consider that a foreigner, naturalized in this country, would be permitted by law to hold a commission in the army?—My opinion is that under the statute he is disabled from doing it, but, practically, I believe several such persons do hold commissions.

45. Lord *Harry Vane*.] How is the difficulty got over?—What we lawyers say is a blot is no blot till it is hit; I believe the Horse Guards do not feel it necessary to interfere.

46. *Chairman*.] During the war there were a great number of foreigners holding commissions in the English service?—Yes; but I understand there was a special Act of Parliament authorizing that.

47. That Act of Parliament was passed for a limited duration?—I suppose it was limited to the war.

48. Are you of opinion that some alterations might be made in the present law without danger to the political institutions of this country, and with great advantage?—It appears to me that this might be done, that you might provide that letters of denization should give all the privileges now obtained through a Naturalization Act. That leaves all the other disabilities; but then, in addition to that, I should give the power to hold offices and to take grants from the Crown; as the Crown has the power of appointing to those offices, I think they might be safely intrusted to select the objects. We do not live under the apprehension of the Crown giving offices improperly to foreigners; but if the parties desired to have the privilege of sitting in Parliament, I think they should still go to Parliament; that Parliament alone ought to give that power.

49. Lord *Harry Vane*.] Do you see any objection to their being allowed to be appointed Members of Council?—Yes; I would not give to a denizen the power of sitting in the Privy Council or Parliament. I should be rather inclined to withhold the right to sit in the Privy Council altogether; I do not think that would be any grievance. Whether the country would suffer by the loss of the talent of a foreigner is a question into which I will not enter.

50. *Chairman*.] You propose that the parties applying for the ordinary rights of citizenship should obtain them through the medium of the Secretary of State?—Yes; taking the oaths of allegiance; in fact, I consider a Naturalization Act to depend upon the Secretary of State. Undoubtedly there may be circumstances under which a particular individual might be opposed in Parliament;



ment; but, practically, the Bill passes immediately on a certificate coming from the Secretary of State that the person is a fit object.

51. Do you think it desirable to limit the expenses incident to obtaining an Act of Naturalization?—If it is only to be applied to persons who have leave to go into Parliament, I should not think that expense was an object; a person seeking that privilege would not mind such an expense.

52. Do you not think it desirable that the expenses of obtaining the privileges which such a person acquires should be limited?—Eight-and-twenty pounds is not a very heavy fine. £. 36 out of the 120*l.* consists of stamps; the Chancellor of the Exchequer would cry out if this were taken away. Then the rest is made up by fees to the Home Office; that would be taking out of the public purse also, because all the fees to the Home Office go to a public fund; the public makes up the deficiency. The other fees are payable to the Signet Office, and the Privy Seal, and the Great Seal; and the Attorney and Solicitor-general have fees.

53. Mr. Serjeant *Stock*.] If it was done by letters patent, might not the expense of the stamp on the letters patent be removed?—The question is, whether the Chancellor of the Exchequer would give up the stamp; and if the fees were taken away from the Home Office, that would be throwing so much upon the public; and if the clerks of the Privy Seal, and so on, were deprived of their fees, they might apply for compensation.

54. You think that the 28*l.* paid for obtaining the mere rights of citizenship would not be a great amount?—No, not if extended as I should propose.

55. Will you have the goodness to attend to this petition, and state whether you do not think that the party is placed under circumstances of considerable hardship with regard to expense. “That your petitioner was born during the temporary residence in Germany of his parents: That he was brought to England when about four years of age: That from 10 until now, a period of about 24 years, he has been domiciled in England: That your petitioner has throughout his life suffered great injury from disabilities consequent upon his having been born without the jurisdiction of the British Crown. Not to multiply instances, your petitioner would respectfully beg to mention, that by reason thereof, he was held to be ineligible for the foundation of a public school, and that recently he was prevented thereby from becoming a candidate for a valuable and very responsible public office: That your petitioner has many English relatives so circumstanced as to have it in their power to bequeath to him considerable property, which, your petitioner being at present unable, without considerable inconvenience, to defray the expenses of obtaining an Act of Naturalization, he must, in the event of their doing so, or of their dying intestate, see pass into the hands of the Crown?”—I cannot very well fancy that any man who is seeking an office would not be able to afford 28*l.* to enable him to obtain the office. I should propose the eligibility to office should be allowed to him as a denizen.

56. Do not you conceive that the expenses ought to be limited to a moderate amount?—I should say that the expense should be diminished as much as it can be. Then the question is, whether the public will take upon themselves the expense. The sum must be collected from the individuals, or of course it must be paid by the public. An expense, when divided, falls but lightly, but when it is brought together it becomes considerable. In the individual case referred to, the man says he is applying to obtain a valuable office. I propose to enable him to get a valuable office by removing the disability. The question is only on the payment of 28*l.* to enable himself to hold such an office as well as the other privileges. With respect to the disabilities in trade, I am not aware exactly what they are.

57. Mr. *Gaskell*.] What is the state of the law as regards legitimate children born abroad, when only one parent is an English subject?—If the father be British, the child is a natural-born subject; if the father be foreign, he is not a British subject.

58. Mr. *Cripps*.] In the case you alluded to, what made that child an alien?—Inasmuch as the law does not admit that an illegitimate child has any father at all, and he was born abroad. He was an alien, unless he could show he was born of an English father; he could not show that, because by the law he had no father.

59. Mr. *Nicholl*.] Is it so, that when there is no known father, when the only parent known to the law of England is English, the child is then an alien?

*W. Vizard, Esq.*

24 March 1843.

W. Vizard, Esq.  
 24 March 1843.

—If the only parent known is an English woman, and the child is born abroad, I apprehend the child is an alien. I apprehend the mother does not give the privilege to the child.

60. Sir *Edward Colebrooke*.] You do not know whether the case has been decided?—I do not.

61. *Chairman*.] Have you any further observations to make on the laws affecting foreigners residing in this country?—No; I have never directed much of my attention to that.

62. Are you aware of an Act of Parliament passed in the year 1836 for the regulation of aliens and foreigners coming to this country?—I never saw the Act. I think I remember some discussion about it in the House of Commons; but that is on some specific ground, I apprehend.

63. Mr. Serjeant *Stock*.] You have stated, in respect to letters of denization, that there are considerable difficulties lying in their way, by the cost to particular individuals, but that a number may unite and divide the expense?—Yes. I believe there is a modern regulation at the Home Office for the purpose of reducing the expense. Formerly they granted them only to one, and each individual had the 120 *l.* to pay.

64. It must follow from that statement that delay occurs to a very considerable extent if a person wishes to obtain those letters of denization?—Certainly; that is the inconvenience.

65. Which would be removed by enabling single individuals to obtain that privilege which they are now obliged to take conjunctively in consequence of the expense?—Yes. At the moment I do not see any great objection to each being separate; for if the expense were subdivided, I do not see that any one would sustain any loss.

66. Are you aware that delays have occurred in consequence of that circumstance?—I have no doubt that delays have occurred in consequence of it. I am told that persons come to the Home Office and ask for letters of denization, and they ask them whether they would wish to wait and take them with others.

67. Letters of denization do not often issue for parties separately?—I have no doubt that in the case of partners, in a great mercantile house, they would have them individually, and not wait for others.

68. Do you know whether applications are frequent at the Home Office for letters of denization?—I believe they are frequent.

69. Lord *Harry Vane*.] What is the case, supposing a foreigner has possession of great personal property in this country, and that he makes a will; is the disposition of his property regulated by the laws of this country, or by the laws of a foreign country. By the law of France a Frenchman is obliged to divide his property equally among his children, with the liberty of leaving one portion for the advantage of one child, and no more. What would be the case, supposing a Frenchman died in this country; would he have the power of leaving all his property to one child, or would it be regulated by the law of England?—If a Frenchman were domiciled in England, and made a will, disposing of his property in England, I should say it would go according to the English law.

70. Is that the case with regard to funded property; if he is possessed of property in the English funds, must it follow the French or the English law?—If a Frenchman were domiciled in England, and had money, I have no doubt it would follow the English law. The law of Scotland varies from that of England, and many men die in this country and it is not known how their property will go. I have heard that no one can tell whether a late Earl was an Englishman or a Scotchman, and yet upon that depended the question whether his property should go according to the law of England or of Scotland; and it is rather curious that it does not depend on whether the man was born in Scotland or in England, or whether he died in Scotland or in England; nor is there any rule to ascertain whether the man should be taken to have died a Scotchman or an Englishman, but it is to be taken on all the circumstances of his life whether he was more an Englishman or a Scotchman; and how that can be left without a remedy, operating as it does on opulent families, I cannot understand.

71. Supposing a foreigner residing in this country died there, how would his property

property go?—If a foreigner residing in England died in England, it would, I apprehend, go according to the law of England.

72. *Chairman.*] Have you any further observations to make to the Committee?—I would suggest that it should be provided that letters of denization shall give all the privileges which are now obtained through a Naturalization Act; and further, that persons so privileged shall be enabled to hold offices, and take grants of land. As this privilege is to proceed from the Crown, through the Secretary of State, there would seem to be abundant care that it shall not be granted improperly. The parties should take the oaths of allegiance, &c.; but that this should be done in the country, and not compel the party to come all the way from Liverpool, for instance, for such a purpose. I assume that the right to be a Privy Councillor would not be granted; but if the party should desire to have the right of admission to Parliament, that he may then apply, as now, for an Act of Naturalization, leaving out the present disabling clause, or limiting it to the Privy Council.

73. *Mr. Aglionby.*] When you state in your scheme that all the privileges now obtained under a Naturalization Act should be obtained in another way, is not your object to avoid the expense and delay now incident to the obtaining that?—To avoid the expense, and delay, and trouble.

74. Are you not of opinion that the granting of that privilege should not be permitted to disturb titles, by any claims under wills, or by conferring rights to the occupation of land previously held by natural-born subjects?—I think such a provision ought to be introduced.

75. But you are of opinion that if there are titles to land accruing after the period of naturalization, they should be placed on the same footing as those of a British subject?—Certainly.

76. You would hold it to be dangerous for any person to be enabled to disturb titles by giving to an alien, by an Act of Naturalization, rights and privileges over lands the right to which has accrued to a British-born subject?—If a man has acquired a vested interest, I should hold it wrong to deprive him of it.

77. Take the case of a contingent interest?—It is in effect the same thing; the right to a contingent interest is vested in him.

78. Put the case of an alien coming to this country, and obtaining those privileges of naturalization in the way supposed, in a case where property is given to a British-born subject, whose children have a contingent right, but whose rights may be interfered with by the alien if the bill is permitted to have a retrospective effect?—I think, if a law is passed in favour of a party who is under disability, and removes that disability, that ought not to be done to the prejudice of another party who has acquired a vested right, whether in possession or expectancy.

79. You would think it wrong to disturb any vested right, and that the alien should only have the rights which accrue to him after the period of denization?—Precisely so.

80. *Mr. Ewart.*] You would say that the Act should not be permitted to be retrospective generally, not merely with regard to land?—I should provide always that any person coming and claiming privileges should not interfere with previously existing rights of any kind.

81. *Mr. Gaskell.*] Will you have the kindness to look at the Act of the 25th of Edward the Third. You were understood to say that the law had repeatedly adjudged that the children of an English father born abroad are English subjects; what do you understand by the words “father and mother” in that Act?—This is the case I put in a very early part of my evidence; namely, that a child born out of the allegiance of the King, by a British father and mother, is a British-born subject.

82. Has not that been understood of the father only?—I think not, for the language is expressly as to both: “And that all children, inheritors, which henceforth shall be born out of the leageance of the King, whose fathers and mothers.”

83. *Mr. Nicholl.*] Is it not the fact that the word “and” in that Act has been construed “or,” and was not the statute of George the First passed to remedy that?—I am not aware of that.

*W. Vizard, Esq.*

24 March 1843.

The Right Hon. Lord *Brougham and Vaux*, Examined.

The Right Hon.  
Lord *Brougham*  
and *Vaux*.

24 March 1843.

84. YOUR Lordship has paid some attention to the nature and operation of the laws of this country which affect aliens and persons of foreign birth?—Both at the Bar and since I came to the Bench.

85. Do you consider all the disabilities and disqualifications to which foreigners are subjected, even after they have been naturalized by an ordinary Act of Parliament, as necessary for the protection of our national institutions, or as desirable on any other account?—No, I do not consider the whole of them as necessary; I am of opinion that there ought to be some restraint upon the naturalization of foreigners in respect of the privileges to be enjoyed by them after being naturalized, with reference to political offices, places of high trust, and especially to a seat in the Legislature. But I consider that that may be safely left to the three branches of the Legislature in each particular instance; and I can see no reason for deviating in this case, any more than in any other, from the principle by which the Legislature reserves to itself, in each case, the full power of dealing with that case; whereas in this instance alone an Act is made which assumes to tie up the Legislature in its future proceedings, no Bill being allowed to be presented without a clause contained in it to disqualify the party from holding office or sitting in Parliament.

86. Your Lordship is referring to the Act of Settlement?—I am.

87. The Act of Settlement has frequently been called a fundamental law of the state; would your Lordship consider it a very rash proceeding to attempt to alter any of its provisions?—I cannot conceive it to be a more rash act to alter its provisions in this respect than it has been to alter them in three or four other respects in which it has been completely abrogated, though those provisions were enacted by the same statute, with the same view. For instance, the King was not allowed to leave the country without consent of Parliament; that was abrogated immediately upon the event arising in contemplation of which it had been passed, namely, the accession of the House of Brunswick. Another disqualification was enacted with the same view, namely, to prevent placemen sitting in Parliament; that was very soon abrogated also; and there were several other alterations. I do not consider these to stand at all on a different footing; I consider that there would be perfectly sufficient security given; namely, the security of the Legislature itself, if no person were allowed to hold office or sit in Parliament without an Act. That Act passing implies the consent both of Lords and Commons; and what renders this still more absurd and inconsistent with itself is this consideration: a person in ordinary circumstances can exercise comparatively very little influence in holding offices, particularly inferior offices, if a foreigner; but a person may hold that situation who must be supposed to possess the highest possible influence, namely, the husband of the Queen regnant, or the wife of a King, the Queen consort. Upon their being naturalized, it is quite a matter of course, and always happens, that a Bill is introduced in the first instance and passed into a law, abrogating, or suspending at least, that provision of the Act of Settlement, and enabling a Bill to be presented without the disqualifying clause; and yet a person of the most insignificant station is not allowed to be naturalized to the effect of being a petty constable or justice of the peace, for fear he should introduce foreign influence, and overturning the constitution; whereas a prince or a princess, who must of necessity, by marrying the reigning sovereign, exercise the highest possible influence, is allowed to hold any office, however exalted.

88. Is your Lordship aware of any other case in which that provision of the Act of Settlement is set aside?—I am not aware of any other instance except persons of that high rank; I rather believe foreign princes generally; I believe it has been generally the practice when any foreign prince has been naturalized. The Princess Charlotte was only heiress presumptive to the throne, but when Prince Leopold was married to her Royal Highness the Act was suspended, and he was able to sit in either House of Parliament.

89. Your Lordship probably considers the employment of foreign troops during the war an abrogation of the provisions of the Act of Settlement?—Certainly; there was much greater danger arose from that than any danger which can be apprehended from foreigners holding office.

90. Is your Lordship aware whether persons of foreign birth now hold commissions

missions in the army?—Undoubtedly they do; whether legally I cannot say; I think there are certain regiments in which they are allowed by Act of Parliament, but I am not quite sure.

91. As compared with the laws of other civilized countries affecting foreigners, are not the laws of Great Britain particularly inhospitable?—I consider the law of this country, as compared with the law of France, which I am of course better acquainted with than others, exceedingly discreditable to this country. The French law is this at present—it was not always so—that any foreigner who chooses may purchase land in France; and he enjoys in every part of France exactly the same rights of property with a French subject. This was not the case till the year 1814. This change was presented by an Ordinance, having the force of law, in October 1814, which repealed the two Articles 736 and 912 of Code Napoleon. Those two articles established the principle of reciprocity, and gave foreigners in France the same rights of property which other subjects enjoyed in the countries of those subjects respectively. That was abrogated by the Ordinance of October 1814, and a subsequent Ordinance of July 1819, since which a foreigner enjoys precisely the same privileges in respect of property with a French subject. But there is a very great difference as to the right of sitting in the French Legislature. By the old edicts of 1336 and 1431, and the famous edict called the edict of Blois of 1589, a foreigner is prohibited, in express terms, from holding any benefice in the church or office in the state, or exercising any public functions whatever. The Ordinance at the Restoration of July 1814 retained the disqualification of sitting in the two Chambers of the Legislature, but enabled the Crown to grant naturalization, to all intents and purposes, for important services, provided that naturalization was registered or verified by the two Chambers; and no doubt a foreigner may now in France hold offices, notwithstanding the old Ordinances; but he cannot sit in either Chamber unless in virtue of that exception. I ought to add, that besides this mode of naturalization there is another, without anything further than the mere royal authority. Any foreigner residing 10 years in France, and declaring his intention to fix his domicile there, obtains all the rights of French citizens, on certain formal acts being done and the royal authority interposed. And there is another Ordinance, of which I do not recollect the date, but I think it was during the period of the Republic, by which any foreigner bringing, as it is called, his talents into the country, or his inventions, or establishing any mercantile or manufacturing concern of importance, is naturalized, to all intents and purposes, upon one year's residence. It is, however, to be observed, that this naturalization by 10 years' residence and one year's residence are superseded, as regards sitting in the two Chambers, by the Ordinance of 1814, which in so far annuls the old enactments, particularly the edict of Blois. That, as far as I am acquainted with it, is the state of the French law, now more liberal than ours. I understand that the Crown is not enabled to grant naturalization to enable a party to sit in both or either of the Chambers, except in the event of his having rendered important services to the state, in which case the power of the Crown is absolute.

92. Are there not frequent cases of individuals of foreign birth residing in this country, who, with that exception—an exception which may be considered purely technical—are, to all intents and purposes, English?—There are many. I know one remarkable instance of a gentleman who came over to this country when quite a child, who has been residing here upwards of 30 years, possessed of very large property, which he can hold by letters of denization, but who cannot hold the office of petty constable; and he, by the accident of his being a natural son, is not naturalized by the statute of George the First.

93. Your Lordship was acquainted with the late Mr. Hope of Amsterdam?—Yes.

94. Does your Lordship see any objection to admitting a person of Mr. Hope's character and property to the privileges of a natural-born subject, except that of sitting in Parliament and at the Council Board, without an Act of the Legislature?—As to the particular case of persons in his situation, I should say not the slightest objection; but nevertheless, as you must have a general rule, and as it would be highly dangerous to enable the Crown by letters of denization, on constitutional grounds, to open the doors of Parliament or of public office to any number of foreigners, I consider that an exclusion which ought to be provided for, unless in the case of Parliament, that is, of the three branches

The Right Hon.  
Lord Brougham  
and Vaux.

24 March 1843.

The Right Hon.  
Lord Brougham  
and Vaux.

24 March 1843.

of the Legislature, concurring to pass an Act giving the power; but yet I can see no reason, in consistency or sense, for tying up the hands of Parliament beforehand by the Act of Settlement, and not leaving it to Parliament to deal with each particular case. I conceive also this check ought to be added, that before any bill should be introduced, the Royal assent should be given previously, in the same way in which it is given, very conveniently, as to any Act affecting the property of the Crown or expending the money of the public; but with this previous check, and the subsequent check, the consent of the Crown after the subject has been subsequently considered, and the consent of both Houses of Parliament; with these checks, I cannot descry the least ground whatever for maintaining the present prohibitions.

95. Mr. *Aglionby*.] In the case of the inconvenience your Lordship has mentioned, as to holding petty offices, might not those inconveniences be easily removed by obtaining an Act of Naturalization under the present law?—No; the present law is perfectly obstructive: no bill can be brought into either House of Parliament, and no stage given to it, without a clause being inserted, disqualifying the party from holding any office, great or small.

96. Mr. *Cripps*.] Is your Lordship aware of the reason for the Legislature, by the Act of 1 Geo. 1, c. 4, enforcing the provision against foreigners who had been naturalized holding offices or sitting in Parliament or the Privy Council?—The reason is perfectly obvious: a jealousy of foreigners still existed, and at that time they were repealing part of the provisions of the Act of Settlement; so that when they repealed the provision that all matters relating to the well-government of the kingdom, properly cognizable by the Privy Council, should be transacted there, which they had repealed in Queen Anne's time, and when they repealed the provision prohibiting the King from going abroad without the consent of the two Houses of Parliament, they then thought they must continue and re-enact the residue of those provisions against foreign influence, otherwise they would seem to be weakening the effect of the Act of Settlement without compensation; but it is to be considered, as the Royal Family is no more foreign, that the present members of it have never come from abroad, especially since the separation of the sovereignty of Hanover by the accession of the Queen; are no more foreign than the Plantagenets or the Tudors, or the Stuarts; that though they originally came from a foreign stock, they have been naturalized for a century and a quarter, the reason of the law ceases entirely; there cannot be the slightest pretence for it; there is no danger from foreign influence, even supposing this Act abrogated, after the Royal Family have so long sat on the Throne of this country. You might as well make an Act against Scotchmen, as was done in the reign of James the First, to prevent Scotchmen holding office, when they were more like to overrun the country than they are now, though I doubt whether any Act would have been sufficient to prevent them.

97. *Chairman*.] Is your Lordship aware of the Irish statute with regard to naturalization?—I am not. I am aware that there was an Act in Scotland, by which the holding of Bank stock was sufficient to naturalize the individual. The moment that came to be put into operation by Count Flahaut, there was an Act passed to repeal it.

98. The former Act in Scotland was different from the present?—I am not aware of that; there are acts of naturalization to foreigners serving for two years in the colonies.

99. Mr. *Aglionby*.] May not the inconveniences arising out of the Act of Settlement be removed by the Act of Naturalization not being prohibited from containing certain provisions?—The Act of Settlement does not interfere with holding property; it is only offices. Sometimes the question of office is connected with property. Suppose, for instance, a person were to purchase the manor of Havering-atte-Bower, in Essex, he would have the power of making a justice of the peace; but I apprehend he could not name himself, if he were an alien.

100. With regard to Acts giving great favour to aliens holding property in England, would not your Lordship think that its provisions should affect only a title accruing after the time of the naturalization?—Certainly, it ought not to be retrospective; but these Acts ought to be of two kinds. I do not see why a person should require an Act of Parliament to hold property; I do not see why that should not be regulated as in France, by consent of the Crown, or residence

residence in the country for a certain time; I do not see why the French law should not be our law; and why a foreigner should not hold property in England as an Englishman can in France; but I think there ought to be a great check on the holding office, and that that should be the subject of enactment.

The Right Hon.  
Lord Brougham  
and Vaux.

24 March 1843.

101. If a foreigner were to be put into possession, by an Act of Naturalization, of all the rights and privileges of a natural-born subject, should there not be some restriction to prevent his disturbing titles, by taking from the person in possession land, to which he might lay claim perhaps under a settlement, the benefit of which he might have possessed if he had not been an alien?—I do not understand how, in consequence of an Act of Naturalization, he could disturb any titles.

102. Suppose two brothers; that the eldest went to America before the Treaty of Independence, and chose America as his country, and became a subject, and had children; that on the father's death the younger son inherited his property, as a natural-born subject in England, and had brought up his family upon that property; does not your Lordship think that the right of the second son should be protected?—The elder son, in that case, is just in the same position as a person who had gone abroad, without any choosing of his country, after the Independence; he is an alien.

103. Would you not protect the brother who had inherited the property which his brother was prevented from inheriting by his being an alien?—By law, if property descends on an alien, if there is a descent by the death of the tenant in possession, that, descending on the alien, the Crown is entitled to the property by office found. There is very great doubt and difficulty as to the right of the Crown before and after office found; but substantially, the law may be taken to be, that it goes to the alien, and the Crown becomes entitled under office found. But it is quite clear that any Act of Parliament ought to be so framed as to make it quite impossible that it could have a retrospective effect, so as to affect any title. No doubt cases might be put in which it would have that effect.

104. *Chairman.*] Your Lordship is understood to recommend that there should be two kinds of naturalization: one permitting foreigners to acquire all the rights of citizenship, including the highest; and the other, minor rights of citizenship only?—Yes, that ought to be given to any foreigner without an Act, as it is in France. The absurdity of requiring a naturalization or denization to enable a foreigner to hold land here is manifest from this, that a foreigner may injure the country, and do much more harm, without holding land. He may hold as much stock as he pleases, and he may sell out Bank stock, and make a run on the Bank, as the law now stands; but he cannot hold half a quarter of an acre of land.

105. Your Lordship would not recommend that a foreign person, whatever amount of property he might possess in this country, should have the power of holding offices without an Act of the Legislature?—No; I would not allow him to hold offices without that; I think there ought to be that sort of check, on constitutional grounds.

106. *Mr. Gaskell.*] Can property so bought in France be bequeathed to a foreigner?—Yes, he may take from a foreigner by devise, or a Frenchman by devise; the French law does not recognise a shadow of distinction between a foreigner and a natural-born subject; nothing can be more convenient; he takes it in exactly the same way.

107. Would it not be desirable, before an Act of Parliament was introduced for granting such powers as you propose, that some authority should take charge of the duty of inquiring into the circumstances and intents of the party who applied for the Act?—I should suppose that if it were made a condition precedent to bringing in an Act, the consent of the Crown should be given by the minister; that minister would then make it his duty, as a matter of course, to inquire into the circumstances of the case, and would not make the giving leave by the Crown a matter of course, but would exercise a discretion in each case, as he ought to do; the Act might be so framed as that the consent of the Crown should only be given on full inquiry; but that is not a usual form, and it would be assuming that the Crown does not execute its duty.

108. In the Irish statute, that duty devolved upon the Privy Council?—I am not aware of that. For many years during the war it was the rule of the Home

The Right Hon.  
Lord Brougham  
and Vaux.

Office, in case of applications for Naturalization Bills, not to give permission ; I do not believe there were five Naturalization Bills passed for 20 years in this country.

109. Lord *Harry Vane*.] Of late there have been no obstructions?—No ; but there is the obtaining an Act of Parliament, and there is an expense to be incurred, so that if a man wishes to buy a villa, for which he has to give 1,500*l.*, there is an expense of 100*l.* to be added, in order to enable him to hold it.

110. Your Lordship considers the expense of obtaining an Act of Naturalization too great?—Yes ; but they cannot be lessened as long as the Act is required to be obtained ; the fees of The House, and so on, must be paid.

111. Mr. *Cripps*.] Does your Lordship think that there might be an annual Naturalization Bill, including a great number of names?—Yes, if the plan must be retained of doing it by Act of Parliament ; but I cannot conceive the use of requiring an Act of Parliament, when it is only to enable a person to take property. Why a man should be allowed to hold a million of stock, and not be allowed to hold an acre of land, I cannot conceive ; it is true, political privileges are attached to the holding of land ; a man may vote for Members of Parliament on the land ; but a foreigner may vote for Members of Parliament by becoming a 10*l.* householder or a freeman, which he does constantly.

112. *Chairman*.] Your Lordship is speaking of a foreigner who has been naturalized?—Certainly, he may be said to enjoy political power in that way.

*Alexander William Kinglake, Esq. Examined.*

113. *Chairman*.] YOU are a barrister at the Chancery Bar?—I am.

114. You have given some attention to the laws of this country affecting foreigners and foreign persons resident in England?—Since the Bill was prepared, I have been induced to look into the subject as far as my leisure would allow ; but the law is so much scattered through the statute-book, that I am afraid the Committee will not find my knowledge upon the subject very complete.

115. You drew the Bill which was recently introduced into the House of Commons on this subject?—I did.

116. Are you of opinion that the laws admit of any improvement?—I am.

117. Do you consider that the English laws on this matter are unnecessarily rigid?—I think that rights considerably greater than those which are now granted may safely be extended to foreign persons ; but I think that the test as to the fitness of a foreigner admitted to the enjoyment of such rights should be rendered somewhat more strict than it is at present.

118. In what respects would you further extend the rights now granted to foreigners?—I would extend the rights of denizens by giving to them all those rights which are now given to foreigners under the ordinary Naturalization Bills ; and I would also give to foreigners the right of enjoying offices other than offices connected with political power ; I think that the admission to the Privy Council and to the Houses of Parliament might safely be given to foreigners by the Legislature ; but that that ought not to be a power vested entirely in the ministers, or other advisers, whose duty it may be to sanction the grant of letters of denization.

119. You think that an authority to grant all other rights and privileges than those you have adverted to, admission to Parliament and the Privy Council, might be safely reposed in other hands than those of Parliament?—I do. I would suggest also the addition of one right in relation to real property over and above that which is now granted by Acts of Naturalization. The Acts of Naturalization not only exclude a foreigner from the capacity of holding offices, but they also exclude him from taking a grant from the Crown. Now it has happened in practice that great inconvenience has been occasioned by that clause in the Act of Settlement. It sometimes happens that a foreigner resident in England will contract for property, with the view at some future time of becoming naturalized, or obtaining letters of denization. The consequence is that his title is bad, not only then, but after he shall have obtained letters of denization ; and the misfortune is increased by the circumstance that the Crown cannot re-grant the estate to the foreigner, even when naturalized by Act of Parliament. I would therefore propose that it should be lawful for the Crown to grant estates to a naturalized foreigner as freely as to an English-born subject. When an Englishman holds land under a title vitiated by the alienage of a previous purchaser, it is usual for the Crown to cure the defect, by making a grant

of

*A. W. Kinglake,*  
*Esq.*



of the property. *Eyston v. Simonds*, 1 Younge & Collyer's Reports in Chancery, p. 608.

120. You spoke of subjecting the parties applying for those privileges to stronger tests than those to which they are now exposed; in what respects would you impose those tests?—My opinion is, that if the Crown grants to a foreigner the right of holding an office, it has a right not only to the mere passive obedience of the person holding, but it has a right to his national zeal; and I think, therefore, that the minister, or whoever the party may be, having the right to sanction the grant of these franchises, should satisfy himself, not only as to the mere respectability of the party making the application, but as to the intention of the foreigner to reside in this country, and to make himself one of the English family.

121. Do you attach great importance to the circumstance of the intent of the party to settle in this country?—I do.

122. Sir *Edward Colebrooke*.] Would you require any check on the privilege of acquiring letters of denization by residence?—There should be an actual residence, no doubt, for the purpose of granting the highest order of the privilege; and I think that, in order to entitle the party to what I would call the great naturalization, that is, the right of holding all offices, there should have been a residence of a certain duration. I think there should be an inquiry before a court, or whatever the authority granting this power, in order to determine, with as much certainty as possible, the probability of the foreigner's continuing to reside in this country.

123. Mr. Serjeant *Stock*.] You would make it an ingredient, in the consideration of those who had to determine, whether he had a *bonâ fide* intention to settle?—Certainly.

124. *Chairman*.] Do you conceive that there would be any great objection to such an alteration of the Act of Settlement, as would effect the objects you have described?—I see none whatever. The Act of Settlement has been repealed in all its most important provisions; it has been repealed in the provision which prohibited the Sovereign from leaving the country; it has been repealed in the provision which compelled officers to perform their duty in the Privy Council, and compelling Privy Councillors to sign a minute of their proceedings; it has also been repealed in the most important of all its provisions, namely, the one which excluded persons holding office under the Crown from sitting in Parliament; and it has also been repealed as to part of this very provision, the provision respecting the naturalization of foreigners.

125. In what respect?—It has been repealed by an Act of Parliament passed in the 13th of Geo. 3. That Act provides that the paternal grandchildren of English-born subjects, although born abroad, shall be considered, to all intents and purposes, as natural-born subjects; and it therefore repeals the Act of Settlement, so far as it is inconsistent with it; and it does that not only impliedly, but expressly. The clause concludes with the usual words, "anything in the Act of Settlement to the contrary notwithstanding."

126. Mr. Serjeant *Stock*.] How do you consider the Act of Settlement to be inconsistent with that provision?—The Act of Settlement provides that no one, even although he be naturalized, shall enjoy all the rights of a natural-born subject, unless he be either a natural-born subject or the son of an English father: this Act of Geo. 3 gives all the rights of natural-born subjects to paternal grandsons, repealing so much of the Act of Settlement as is inconsistent with it. Supposing both the father and grandfather to have settled abroad, and an English child to be born abroad, he is still to have all the rights of a natural-born subject: but it would be otherwise if only his mother and his grandmother were English, for then he would have no rights whatever beyond those of any other alien.

127. *Chairman*.] Are you aware of the provisions of the law as to a merchant naturalized in this country?—I am not aware that there is any restriction upon his rights, with the exception of a restriction imposed with reference to the enjoyment of privileges obtained under treaties with foreign states. It was found that persons obtained Acts of Naturalization, not with the view of residing in this country, and generally enjoying the benefits which an English subject enjoys, but for the mere purpose of gaining the privileges which had been obtained by English subjects by treaties with foreign states; and in order to obviate this, it was provided that no naturalized person should have the benefit of any such treaty until the expiration of seven years from the period of his naturalization.

128. Were they required to reside wholly in this country from the date of their

*A. W. Kinglake,*  
Esq.

24 March 1843.

*A. W. Kinglake,*  
Esq.

24 March 1843.

their naturalization, and not permitted to go out of the country at all?—No, except, I think, that a period of two months was allowed. I conceive that the provision excluding a naturalized person from the benefit of treaties is proper and necessary, supposing that no test of the person's intention to reside is taken, as is now the case; but I think that if the inquiring body were to satisfy themselves of the intention of the foreigner to reside in this country, it would then be highly proper to get rid of the restriction.

129. But what means do you think that object could be otherwise obtained?—I think it might be obtained by taking evidence as to the person's intention of residing in this country. It may probably strike the Committee that evidence of an intention to remain in this country for the future would necessarily be vague; but I consider that the law of domicile is so well understood, that no difficulty would arise on this head. The right to property of vast amount often depends upon the mere intention of a party to remain where he is at a given time; and I think that the tests now used for ascertaining the domicile of testators and intestates might be very safely applied to persons claiming the benefits of naturalization.

130. By what machinery would you be enabled to obtain information as to the parties' intention to remain?—I think the machinery should be constituted, in some measure, upon the principle of a court of justice; I think that inquiry is better, and less invidiously conducted by any kind of tribunal which carries on its business with legal forms and subject to certain understood rules.

131. You would prefer that the inquiry was made by some court of justice rather than by the Secretary of State?—I do not mean by an actual court of justice, but by some persons conducting their inquiry with some degree of form, and subject to general rules in some measure similar to those by which courts of justice are governed; I think, for instance, that the Committee of the Privy Council would be a very proper body for conducting the inquiry as to the propriety of granting the great naturalization.

132. Do you think the Committee of the Privy Council should also institute inquiry into the character of the party who prayed for minor rights to those to which you have referred?—I do, supposing that any test at all was required as to the fitness of persons claiming the minor rights, the mere rights of property; my opinion is, that the rights of property, as distinguished from the rights of office, might safely be granted without any inquiry at all as to the intention of the party to reside in England, or without any inquiry whatever beyond that which may be necessary for ascertaining his respectability.

133. Have the goodness to explain the mode of proceeding you would recommend as preferable to the mode now existing?—I would propose that the Judicial Committee of the Privy Council should hear witnesses and see exhibits, or affidavits sufficient to satisfy themselves as to the fitness of the individual claiming the right; that that report should be submitted to the Queen in Council; and thereupon, the report being approved by Her Majesty, and the approval being signified in some satisfactory manner, the privilege should be granted. My object in proposing that, is to get rid of the enormous expense of obtaining letters patent; the present mode is unnecessarily intricate and expensive. I will state, if it is desired, the mode in which letters patent are now obtained for granting the exclusive use of the benefits arising from inventions. A report is made by the Solicitor-general; that report, on being approved, is a warrant for the making out of a certain document called the Queen's Bill; the Queen's Bill is a warrant for the making out of another document called a Signet Bill; the Signet Bill is a warrant for the making out of another document called a Privy Seal Bill, and the Privy Seal Bill is the final warrant for the imposing of the Great Seal. Now, it appears to me, without being acquainted with the practical operations carried on through all these stages, that the intermediate steps might very easily and conveniently be avoided; and that the report, and the approval thereof by Her Majesty, being evidenced by the Sign Manual, ought to be a sufficient warrant to the Lord Chancellor to affix the Great Seal.

134. *Mr. Cripps.*] Are all those steps taken in the granting letters of denization?—I apprehend they are, and that that is the cause of the great expense which is occasioned.

135. *Lord A. Hervey.*] Can you state the different fees paid on those warrants?—No, I cannot.

136. *Chairman.*] Do you think it very desirable to diminish the expense incidental

incidental to obtaining letters patent in regard to this particular subject?—I do; I think there can be no doubt that, supposing the Legislature were prepared to grant the right, it would not be advisable to impose any expense unnecessarily upon the party seeking to obtain it.

137. Do you not think it desirable to relieve foreigners from the expense of repairing to London to take the oath before the House of Lords?—Yes, I think the oath might be taken as effectually elsewhere; so that the oath is taken, I cannot conceive that the place in which it is taken, or the persons before whom it is taken, can be a matter of any importance. I should think it would be sufficient if the oath were taken either before one of the Judges on the circuit or before a Master Extraordinary in Chancery.

138. Are you acquainted with the provisions of the Act which passed in the reign of Queen Anne for the general naturalization of foreign Protestants?—I am generally aware that foreign Protestants were naturalized by that Act.

139. It was competent to such persons to take the oath in any court of justice in the kingdom?—It was.

140. You would propose to adhere to that provision?—I would.

141. Have not Acts of Parliament been passed from time to time granting the rights of citizenship to foreigners who should engage in particular trades and callings in this country?—I am not aware of any Act of that kind.

142. Have the goodness to refer to that Act now shown to you, passed in the reign of Charles II. (15 Chas. 2, cap. 15)?—I see the third section of the Act provides, that foreigners, exercising, I suppose, those trades which are referred to in the preamble, “shall enjoy all privileges whatsoever, as the natural-born subjects of this kingdom.”

143. The object of that Act was to encourage the manufacture of silk and linen in this country?—It is intitled, “An Act for encouraging the manufactures of making linen cloth and tapestry.”

144. That Act held out to all parties engaging in that manufacture all the rights and privileges of British subjects, without any limitation or exception, did it not?—I do not see that any restriction is imposed.

145. Is there not a provision in an unrepealed statute of Anne, which also grants the entire rights of citizenship to any foreigner who shall serve for two years on board any ship of Her Majesty’s navy, or a British merchant ship?—Yes, there is an Act of the 6th of Anne which naturalizes, for all purposes whatsoever, any foreigner who, from the date mentioned in the Act, for two years should exercise the calling of a mariner or seaman on board any ship of Her Majesty, or on board any privateer, or merchant, or trading vessel; the rights are given to every person, without any restriction. He is enabled to sit in the Privy Council, though a foreigner.

146. If a foreigner were to serve for two years, in any of Her Majesty’s ships, or any privateer or merchant vessel, he would be competent to exercise all the rights of a British subject, without any restriction whatever?—In my opinion he would.

147. How would that clause of the Act of Anne affect Roman-catholics serving on board merchant ships?—I have not looked into the Acts imposing disabilities on Roman-catholics, but I think that those disabilities, so far as those disabilities related to Roman-catholic aliens, they could not have been removed by the general provision contained in the Act of Anne.

148. Lord *Harry Vane*.] Do you see any objection to foreigners being allowed to purchase land in this country, without denization or naturalization?—I do not; indeed it appears to me that the objection would hold less in this country than any other, for the price of land here is so enormous, that I think scarcely any foreigner would be found who would be likely to purchase largely in this country.

149. Sir *E. Colebrooke*.] You would naturally contemplate that some inquiry should be made in the case of the higher privileges?—Certainly; and in the case of persons claiming the rights of holding offices.

150. You would lay no restriction whatever in the case of holding land?—None whatever.

151. *Chairman*.] Is not there a great want of an uniform principle in our laws relating to foreigners?—There is; the Act of 6th of Anne is strangely inconsistent with the general law upon the subject, the general law being, that the most meritorious person cannot by possibility obtain the right of holding any office whatever, while a person who has served as a common seaman on board

*A. W. Kinglake,*  
Esq.

24 March 1843.

*A. W. Kinglake,*  
Esq.

24 March 1843.

a privateer for two years may obtain the right most fully; and there are other instances of inconsistency.

152. *Mr. Aglionby.*] Do you contemplate their having rights to hold property, the title accruing after the writ of naturalization, or before?—I would grant the rights in the same way as the ordinary Naturalization Acts now grant them; they grant the rights to the party retrospectively.

153. *Lord A. Hervey.*] Children born before naturalization would inherit?—Yes; and there lies the main distinction between a denizen and a naturalized person: the denizen would not inherit any lands, and he would not possess any rights which had been inchoate before the letters of denization; but the naturalized person is placed, for all purposes, in the same situation as if he had been born in this country, as far as property is concerned.

154. *Mr. Aglionby.*] Have you ever seen any of those Acts of Naturalization which have been passed in favour of individuals, except those for great personages?—I have seen a French translation of an Act of Naturalization.

155. Have you happened to see a Bill of Naturalization, as it is brought into the House of Lords?—No; I have only seen what professed to be a translation into the French.

156. Are you enabled to say whether it gives power to obtain lands by a title accruing before the Act of Naturalization?—I think it does.

157. Do you make that remark generally, or only as it affects children before the Act of Naturalization?—I make the remark generally; I think the Acts of Naturalization do not displace any rights which might exist, whether vested or contingent, under the supposition that the party remained an alien; but I think that result follows, not from the Acts of Naturalization failing to be retrospective, but because there are no such rights existing except in the Crown. I have not been able myself to imagine any case in which one man could be entitled, either contingently or otherwise, to land, on the supposition that another was an alien.

158. Will you explain that?—I would refer to the question the Honourable Member put to my Lord Brougham. The Honourable Member put the case of an elder son being an alien, and a second son expecting to have the property, upon the supposition that his elder brother was an alien. It was asked whether the expectant right of the second son was to be displaced. Now, I apprehend the second son would never have had any right, either expectant or otherwise; for the only party interested, upon the supposition that the elder son was an alien, is the Crown. If an alien purchases land, he purchases to the use of the Crown on office found; that is unquestionably the result of the alienage being found; the property becomes vested in the Crown. If a person dies leaving an heir-at-law who is an alien, the property then escheats to the Crown.

159. Notwithstanding the fact of his having become an alien, is not his right preserved under the treaty of peace with America?—That is not the general law. I have not looked into the Act to which the Honourable Member may refer, and therefore cannot speak to its precise effect.

160. *Chairman.*] What do you conceive to have been the object of the disqualifying clauses in the Act of Parliament relating to foreigners?—I think one sees, on looking into the Act, that nearly all the provisions of the Act are made on the supposition that the Crown was to become vested in a foreigner, and all these provisions were introduced to guard the country against the inconvenience which might be occasioned by having a foreign sovereign on the throne.

161. Those circumstances have ceased to exist, but the law remains?—Certainly, for the Queen, though descended of foreign blood, would I suppose be considered to all intents and purposes as an Englishwoman, with all the inclinations and wishes of a thoroughly English sovereign.

162. The object of these laws was the protection of our national institutions?—The nominal object of the laws was no doubt the protection of our national institutions; the real motive for their enactment is supposed to have originated in a desire to taunt the sovereign of that day, William the Third.

163. You refer to the Act of Settlement?—Yes.

164. Perhaps parties engaged in the service of the Crown, in the army and navy, would be more reasonably objects of jealousy than those engaged in any other department of the public service?—It appears to me that those are the departments in which there ought naturally to be the most jealousy of any foreign admixture.

165. It appears, however, that there is an Act of Parliament by which the

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môt unlimited rights of citizenship are granted for serving in the navy?—It does.

166. Was not it the fact that during the war there were large bodies of aliens serving in the British army?—I believe it was.

167. They were allowed to be embodied under a particular Act of Parliament?—I believe it was so; but I have not read the Act.

168. Supposing that to be so, does not the proceeding appear to you to be opposed to the spirit as well as to the letter of the Act of Settlement?—Certainly; it was opposed to that clause in the Act of Settlement which provided that no office of trust should be held by foreigners. I know that in practice foreign-born persons hold commissions and serve in the army without having the place of their birth questioned in any way.

169. Are there any instances you are aware of in which all the rights of citizenship have been awarded to foreigners by Act of Parliament?—There are several; but those have been all instances of naturalization of persons highly distinguished in position; such as Prince Leopold and Prince Albert.

170. That makes another departure from the Act of Settlement?—Yes. It is said that when those laws are introduced, the Act of Settlement is suspended; but I consider, as a lawyer, that the clause in the Act of Settlement which was meant to provide that any future Act of Parliament should contain certain clauses, or that any other Act of Parliament of a particular character should not be introduced, is as a legal enactment simply null and void. I conceive that such a clause might be valid, as pledging in honour the particular political party which introduced the measure against the adoption of a course inconsistent with the Act of Parliament; but I consider that any such clause regarded as a mere law is simply null, and that any Act of Parliament passed subsequently to the Act of Settlement would have its full operation, notwithstanding that it might clash with the provisions of the Act of Settlement, and notwithstanding that those provisions may not have been expressly repealed, or suspended.

171. That however is the law, and notwithstanding the law exists in the statute book, we have a variety of cases in which the law is suspended, or disregarded?—Undoubtedly.

172. First, we have the case of persons of exalted rank and great political influence, the Husband of the Queen and so on, against whom the Act of Settlement was specially directed; then the case of large bodies of troops, all foreigners, men and officers, employed in the service of the Crown, a dangerous departure from the law, if there were any danger in the matter; then occasionally the cases of officers who are known to be of foreign birth, every where but at the Horse Guards, holding commissions in the army. Do you conceive it desirable that such an anomalous state of things should exist?—I certainly think it very desirable that whatever be the principle which is recognised as that which ought to guide the naturalization of foreigners, the law should be condensed and made consistent with itself.

173. Do you not consider that our laws are more severe towards foreigners than those of any other civilized country?—They are more severe against foreigners than the laws of France; I am not acquainted with the laws of any other foreign country in that respect except the laws of China.

174. Do you conceive that our laws are more severe towards foreigners than the laws of China?—No, less severe than the laws of China, but more severe than the laws of France.

175. Mr. *Aglionby*.] With regard to the rights of property, supposing for a moment that you are mistaken as to the effect of the Act of Naturalization brought into the House of Lords, do you propose that any new rights should be given, or only such as are at present conferred by Act of Parliament?—I would give no other rights of property than those given by the common Acts of Naturalization, except that I would give the naturalized foreigner a capacity of receiving grants from the Crown.

176. Mr. *Ewart*.] Are you aware that a foreigner cannot be the owner or part owner of a British vessel, under 3 & 4 Will. 4, c. 55?—That is so under the Registration Act.

177. He must make oath that he is truly and *bonâ fide* a subject of Great Britain?—Yes.

178. Are you aware whether that has operated injuriously on our commerce with foreign nations?—I am not aware of any instances in which grievances do

*A. W. Kinglake,*  
Esq.

24 March 1843.

*A. W. Kinglake,*  
Esq.

24 March 1843.

occur, not being in the way of hearing of such matters, but I can conceive that it would be so.

179. Do not you know that a foreigner has been obliged to apply for letters of denization for the express purpose of enabling him to become a part owner of a British vessel?—I do not.

180. You were aware that the restriction existed?—Yes; for those Registration Acts lead to a great deal of troublesome litigation in our courts, which would be avoided, if it were not that a foreigner could not be a part owner of a vessel.

181. Mr. Serjeant *Stock.*] You have stated that it was your opinion that as to rights of a purchaser acquiring and transmitting property, there should be no limitation on the rights of foreigners?—That they should have the right of purchasing, and the right of transmitting.

182. Do you concur in the opinion expressed, that with regard to holding an office, no foreigner naturalized should be entitled to hold an office of any description, either high or low, without an Act of Parliament; or do you think there might be a tribunal provided by which the capacity of holding an office of inferior importance might be conferred, such as the Judicial Committee of the Privy Council?—I do; I think that the right to hold the inferior offices might be safely granted by such a tribunal as that which has been suggested.

183. Lord *Harry Vane.*] Do you mean by denization or naturalization?—I think there should be three degrees of privilege to which foreigners might become entitled, as is the case in France; that the first should be the enjoyment of all civil rights, for I may call them so as distinguished from political rights; that the second degree should be, that of holding office, with the exception of sitting in Parliament and of being a member of the Privy Council; that the “great naturalization” should only be granted by Act of Parliament, on the report of such a tribunal as that suggested, because I think such a tribunal can make the inquiry more effectually and less invidiously than Parliament, but that on the report of such a tribunal, Parliament should be properly empowered to completely naturalize any person who has been reported as fit by such a tribunal.

184. Mr. *Cripps.*] You would simply repeal those statutes which make the restriction on the introduction of certain clauses necessary in all Acts of Parliament?—Yes, I would repeal them, in order to put an end to the practice which those statutes have introduced. I consider, however, that Parliament may act in contravention of those statutes, without expressly repealing them.

185. Mr. Serjeant *Stock.*] Supposing the Act of Settlement provides that no man shall bring in a Bill without such a clause; would not that render it necessary to pass a preliminary Bill, permitting their introduction?—I think not; I think that such a provision is against the law. When the Act for the naturalization of grandchildren born abroad was introduced, I never heard that an Act of Parliament was passed, in the first instance, for granting leave to bring in the Bill; it was taken as a matter of course that the bringing in of the Bill was an act which justified itself.

186. Supposing there was a penalty annexed to the provision in the Act of Geo. 1, which prohibits any person bringing in a Bill with certain clauses prohibited by that statute, how is he to be relieved?—I think an Act of Parliament containing such a clause would be assuming to do more than is lawful.

187. Mr. *Aglionby.*] Are you to be understood to say, that the class of offices as to which you would give greater facilities than now exist for the capacity for holding them, should include all the offices, with the exception of the right of sitting in Parliament, and the right of sitting in the Privy Council?—I should include all others.

188. *Chairman.*] Are you acquainted with any state which is supposed to have derived disadvantages from having admitted foreigners to the right of citizenship?—I am not, unless Russia were mentioned, which has been certainly denationalized to some extent; but I suppose most persons would consider that denationalization has been rather an improvement than otherwise to that country.

189. Did you ever hear of any state whose national institutions were injured or destroyed by the admission of foreigners?—No, I never heard of any instance of the kind. Napoleon was a French subject, although born in Corsica; he was not a foreigner, because Corsica had been annexed to the French empire; he required no naturalization.

190. Mr. *Ewart.*] Does not the preamble to the 7th of Queen Anne, c. 5, state the advantages which would result from the naturalization of foreigners?—It does.

191. Will

24 March 1843.

191. Will you state the words of that statute?—The statute begins by reciting, “Whereas the increase of people is a means of advancing the wealth and strength of a nation; and whereas many strangers of the Protestant or Reformed religion, out of a due consideration of the happy constitution of the Government of this realm, would be induced to transport themselves and their estates into this kingdom if they might be made partakers of the advantages and privileges which the natural-born subjects thereof do enjoy.” It is a very different preamble from the Act of Richard the Third, which enumerated grievances suffered by Englishmen from foreigners; and amongst other grievances enumerated, the grievance of “purchases of English commodities made by foreigners, and afterwards deceitfully packed and sold, to the great injury of the realm.”

192. What were the remedies provided?—There were a number of stringent clauses; the foreigners were to have their commodities examined, and to sell them within a given time.

193. Has that statute been repealed?—I am not aware that it is expressly repealed, but it is obsolete. Perhaps the Committee will allow me to suggest one precaution with reference to the oath to be taken. It appears to me that it would be advisable to render the oath a little more stringent than it now is. Foreigners resident in England use a little book, by Mr. Okey, which is considered as stating the laws by which they are affected. He gives his readers to understand that allegiance is mere passive obedience to the law. He states, for instance, that a foreigner of a friendly state, whilst resident in England, bears allegiance to the English Sovereign. He does not, I presume, mean by that to say that the foreigner is at all personally bound, in the feudal sense, to do service for the Sovereign; he merely means (and that, I believe, is the general understanding of the word allegiance), that a resident foreigner owes passive obedience to the laws. I certainly think that if a person is to be naturalized and to enjoy offices in this country, you have a right to expect something more than this passive obedience; you have a right to expect that he shall bear active allegiance to the Sovereign of this country, and shall renounce his allegiance to the foreign state. That is not done at present; I think no foreigner construing the present oath of allegiance considers it as having that effect.

194. Mr. Nicholl.] You propose that in order to render this naturalization complete, he shall throw off all allegiance to his own natural sovereign?—I do.

195. Therefore you would also adopt the same principle as to Englishmen going abroad, that they should be entitled to throw off their allegiance to the sovereign of this country?—I see no reason for doing that concurrently with any plan for admitting foreigners; it appears to me that a state is interested in retaining the allegiance of every one of its subjects as long as it can.

196. Is there not a reciprocity usually required by the law of nations?—The law of France (I am not acquainted with the law of other countries) I think is, that allegiance to the foreign sovereign must be renounced, unless an express licence to the contrary is granted by the sovereign of France.

197. Is it not a fundamental law of England, asserted in our contests with America, that no English-born subject can throw off his allegiance to the Queen of England, and bear arms against the Crown?—I certainly understand that to be the law.

198. If you require foreign subjects in this country to throw off their allegiance to their own sovereign, must you not, according to the ordinary principle of reciprocity and the law of nations, admit our own subjects to throw off their allegiance to their own sovereign?—I think not; for a naturalized person would not, in point of fact, be relieved from the burden of his allegiance by this declaration; the declaration or the oath I require is taken, not for the purpose of actually relieving him from the burden of his own allegiance (for that could not be done in this country), but for the purpose of ascertaining the strength of his determination to unite himself with the English nation; it could not, in point of fact, relieve him from his original allegiance.

199. Lord Harry Vane.] You mean whether he is content to take that responsibility?—Precisely.

200. He being a foreigner, if he is taken personally in arms against his own country, must bear the consequences of his act?—Precisely so; this country could not relieve him from them.

201. Mr. Nicholl.] You require him to take an oath to do that which he cannot legally do?—I do not require him to take an oath that he will not do those acts which he is really compellable to do by force of the original obligation

*A. W. Kinglake,*  
Esq.

24 March 1843.

incurred towards the country of his birth. He cannot release himself from those burthens, but he may renounce the privileges attached to his old allegiance, and that I would require him to do if he wishes to become capable of holding office in this country; the double amount of obligations to which in such case he would be subjected results from the peculiarity of his position—from the circumstance of his being born in one country and wishing to settle in another.

202. Mr. Serjeant *Stock*.] Does not the repugnancy attach to every act of naturalization under the existing law?—If the oath of allegiance is construed as implying any active duties, undoubtedly it does; and I take it that, at the time of passing the Act of Settlement, the oath of allegiance was considered in its feudal sense, as binding a person to bear arms freely and faithfully for the Sovereign of these realms; but now the meaning of the word has become more faint, and I think it desirable to make the oath more explicit.

203. Mr. *Nicholl*.] Does not it mean that a person coming into this country, and claiming the protection and benefit of the law, should, while he claims the benefit, undergo the burthens?—That is the meaning at present attached to the word “allegiance;” the legal meaning of the word is more comprehensive.

204. Is not a part of that duty that, while he remains a domiciled inhabitant, he shall perform the duties of a citizen towards his sovereign?—I do not think it would be the duty of a foreigner domiciled in England to bear arms against the sovereign of his own country.

205. *Chairman*.] You think that any person who wishes to enjoy the advantages of the institutions of this country, civil and political, should really become one of the great social community of this country, to all intents and purposes?—That is my opinion.

206. And that if a foreign person enters into conflicting engagements, by associating himself with the English community, he must take the consequences; that that is a matter for his consideration, and one with which the State need not concern itself?—Precisely so.

207. Lord *A. Hervey*.] You were understood to say, that foreign seamen serving two years on board British vessels would have greater advantages than under an Act of Naturalization?—Yes.

208. Have the goodness to refer to the Act 13 Geo. 2, c. 7?—The restriction applies only to persons naturalized under this Act; it has no relation to the Act of 6 Anne, under which foreign seamen are naturalized.

*Lunæ, 27<sup>o</sup> die Martii, 1843.*

MEMBERS PRESENT.

Mr. Aglionby.	Sir John Hanmer.
Sir Edward Colebrooke.	Lord Alfred Hervey.
Mr. Cripps.	Mr. Hutt.
Mr. Darby.	Mr. Serjeant Stock.
Mr. Ewart.	Lord Harry Vane.
Mr. Gaskell.	

WILLIAM HUTT, ESQ. IN THE CHAIR.

Mr. Serjeant *Stock*, a Member of the Committee; Examined.

Mr. Serjeant *Stock*,  
M. P.

27 March 1843.

209. *Chairman*.] YOU are Judge of the Admiralty Court in Ireland?—I am.

210. What is the law existing in Ireland with regard to aliens residing in that country?—With respect to aliens, the general law is the same in Ireland as in England, the common law.

211. Does the same form of denization exist in Ireland?—The Crown possesses the same power in Ireland as in England, of admitting aliens to certain rights and privileges by letters of denization.

212. Does the same law exist in Ireland with regard to Acts of naturalization as in England?—Yes; before the Union the Irish legislature had the power of conferring rights of naturalization by Act of Parliament.

213. Is there any difference in the statute law of Ireland and that of England?—Yes, there are very considerable differences, and I conceive very important ones. The first alteration which was made by the statute law of Ireland, very much I think to the credit of the liberality of the Irish legislature, was in  
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the first Parliament held in the reign of Charles the Second, when by the 14th & 15th of Charles the Second, chapter 13, intituled, "An Act for encouraging Protestant Strangers and others to inhabit and plant in the Kingdom of Ireland," an extremely liberal system of encouraging foreigners was introduced.

214. Have the kindness to state the nature of the provisions?—This Act of Parliament is prefaced by a long preamble, which I will not trouble the Committee by stating in detail. It appears to me for the times rather an enlightened dissertation on the principles of economy connected with this subject. It recites in particular the policy of encouraging foreign mechanics, artisans, and so on, and the danger that would arise from the competition of foreigners in manufactures unless they were encouraged to plant themselves. It says, "and if any of the materials and commodities aforesaid do happen to be wrought in this kingdom, either through unskilfulness or other indirect practice of the workmen, they are usually so wrought as they are most commonly unfit for wearing at home or merchandising abroad; and therefore much coin and ready money is carried out and transported for buying and purchasing of foreign manufactures, to the great exhausting and diminishing the treasure of this kingdom." And then it goes on, "And whereas many strangers and others, from the consideration of your Majesty's most princely wisdom, clemency, and goodness, and of the plentifulness of all sorts of useful and profitable commodities with which this your Majesty's kingdom abounds in a very great measure, might be induced and inclined to transport themselves and families, to the filling and replenishing of this kingdom, as well with people as trade, if such strangers might be made partakers of the advantages, liberties, and privileges which this kingdom hath formerly and doth still enjoy." It then enacts, "that all persons born out of the King's dominions, of the Protestant religion, and all merchants, traders, and dealers in any goods, wares, or merchandises, artisans, artificers, or others working or manufacturing any goods or commodities, or any mariners or seamen who are at present inhabiting within any part of this kingdom, and all others who shall at any time hereafter, within the term of seven years from the end of this present Parliament, transport his or their stocks and families into any part of this kingdom, with intention that themselves and children after them will inhabit, reside, and abide in some part thereof." That is the principle uniformly pursued in this Act of Parliament, that the test of the person's fitness to be admitted to the privileges of a British subject is an intent to settle in the country. The only addition annexed is, the taking the oaths of allegiance and supremacy before the Lord Chancellor or the Judges on circuit. Then it enacts, that such persons shall be "deemed, adjudged, and reputed liege, free, and natural subjects of this kingdom, and be adjudged and reputed, and taken in every respect, condition, and degree; to all intents, constructions, and purposes, natural and liege subjects of this kingdom, as if they and every of them had been or were born within this kingdom of Ireland." Then it specifies particularly all the different rights conferred as to property, office, and so on; transmission by inheritance, rights to sue and defend suits in all courts of law. By the second section it is enacted, that all "Protestants, aliens or subjects, who is, are, or shall be traders, artisans, artificers, or seamen," shall, on tendering a fine of twenty shillings to the magistrates of any town corporate or borough, be admitted a freeman on taking the oaths of allegiance and supremacy; and after being so admitted, shall be taken and deemed a denizen or denizens within the kingdom, and to be a freeman of the particular borough. It imposed a forfeiture for refusing to admit them, of 100*l.*; and the persons were entitled, if so refused, to take an oath before a neighbouring justice, and thereupon be reputed freemen. There was a penalty by the 5th section on any person disturbing them. That is all which is material in that Act; but there is no limitation by this Act of Parliament on the extent of the right; there is no other condition but intent to settle and being a Protestant.

215. How was that intent ascertained?—That is not explained in the Act.

216. Sir *E. Colebrooke*.] With whom would the power rest of admitting them?—There was no authority given to any tribunal or any individual of admitting them; they had a right, on tendering a certain oath, to be sworn before the Lord Chancellor or the Judges on circuit; and thereupon, provided they came within the description of the Act of Parliament, they were naturalized subjects. The only condition of the Act of Parliament is that they should be Protestants, and that they should have transported themselves into the country

Mr. Serjeant *Stock*,  
 M. P.  
 27 March 1843.

with intent to settle. As to their being Protestants, that was provided for by their being required to take the oath of supremacy. As to the other condition, viz. the intention to settle, that could not come in question unless the right was denied in some course of procedure which raised the point before a court of justice.

217. Mr. *Darby*.] You are understood to say that there was a penalty, on their offering 20 s., of 100 l., if they were not admitted as freemen of a borough corporate?—Yes.

218. When they offered the 20 s., was a condition precedent to that their intent to settle?—No; there is no such condition whatsoever under the 2d section; it confers the right of the freedom of a town corporate; that I take to be the specific difference between the two provisions. If they are to be naturalized, certainly there must be an intent to settle; but any foreigner, whether having settled or intending to settle, if he tendered himself and offered to take certain oaths and paid 20 s., was entitled to be admitted a freeman.

219. Then he might in point of fact be a freeman before he ceased to be an alien?—He was made a denizen by Act of Parliament, on his becoming a freeman of a city or corporate town; so far it was a qualified alienage.

220. A denizen has certain rights which the Crown itself has the power of conferring?—Yes; that is to say, those rights which may originate by common law in the grant of the Crown.

221. It is by patent from the Crown?—Yes; but then an Act of Parliament can confer upon A, B, or C, the same privileges which by the common law might be granted by the Crown.

222. The Act states that any person on certain conditions may be naturalized and hold allegiance to the Crown of this country?—That is to say, he would be entitled to all the rights of a native-born subject.

223. Does not it refer to the allegiance?—The foreigner becomes entitled to the privilege on taking the oaths of allegiance and supremacy. He must take them, and so he must under every system in either country, by any statute; that is an universal provision in all the Acts of Parliament.

224. Every man who is here holds a qualified allegiance to the Crown; but by the common law in this country, no man, by the rights he acquires in another, can throw off the original allegiance he holds to the Crown of this country?—I know that as a very universally received opinion; but I do not think it has ever been sanctioned by the judicial decisions of any court; politically, we have always maintained it.

225. Lord *Harry Vane*.] You are aware that in this country we have never, in our political negotiations, abandoned that, but always regarded it as established?—So I understand.

226. Mr. *Darby*.] There is at this moment no law which prevents any artisan who is an alien being employed in this country?—Not as a day labourer, not for hire; there would be nothing to prevent his recovering his wages against his employer.

227. Lord *Harry Vane*.] Are you aware that within these few years the whole improved process at the Mint has been effected by the introduction of foreign workmen?—I am not aware of the fact, but I think that furnishes a strong argument in favour of the proposed alteration in the law. We are thus shown to be obliged to resort to foreigners in some of the most delicate operations of the country. The great policy of this Act appears to be the encouraging the settlement of foreigners; holding out bounties to their settlement. Therefore the Act of Parliament does not content itself with admitting them, and conferring upon them in the largest form possible all the privileges of a native-born subject, but protects them in every way against interference.

228. Are you aware of any case existing in Ireland where it has been necessary to prove the intent to settle?—I do not know that any such case has arisen. I mention this Act of Parliament, because subsequent Acts which have been passed have in a good measure thrown this into the shade. It applied only to Protestant foreigners, and from the relaxation in the laws respecting Roman-catholics it was found necessary to extend the provisions with respect to this Act. It might be interesting perhaps to the Committee to know that in that Parliament, which was the first held in Ireland under Charles 2, after the Restoration, the leading character in that Parliament was the celebrated Sir William Temple, then a very young man, residing in Ireland with his father, Sir  
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John Temple, Master of the Rolls : and it appears by Sir William Temple's life, written by Mr. Peregrine Courtenay, a very valuable work, that Sir William Temple took a leading part in all the transactions of that Parliament ; and some years afterwards he published a treatise on the political state of Ireland, in which he suggested a variety of expedients for raising the country from the ruined state it was reduced to after the civil wars, and among others is the encouraging by all possible methods the settlement of foreigners. I think it is not a very violent presumption to suppose that he was the author of this Act of Parliament. This Act, which was only to last for seven years, was continued by the 2d of Anne, c. 14, for five years, reciting expressly that it had been found highly beneficial ; and it was made perpetual by the 4th of George 1, c. 9, containing the same preamble, that the Act had been found highly beneficial.

229. *Chairman.*] Was there any material alteration in the enacting part?—Only this alteration, that whereas the foreigners had been by the Act of Charles 2 exempted from the payment of excise, that exemption was repealed: subject to this exception, the Act was made perpetual.

230. What was the next statute?—The 19th & 20th of George 3d, c. 29, passed in the year 1780, intituled, “An Act for Naturalizing such foreign Merchants, Traders, Artificers, Artisans, Manufacturers, Workmen, Seamen, Farmers, and others as shall settle in this kingdom.” It enacted that all foreign merchants, traders, artificers, artisans, manufacturers, workmen, seamen, farmers, and others, who should, after the 1st of September then next, transport him, her, or themselves to settle in any part of the kingdom, should, upon taking an oath prescribed before the chief magistrate of any city or town corporate (which oath was to be certified into Chancery), become liege, free, and natural subjects, as if born within the kingdom. Then the oath is set forth, which is the oath of allegiance and abjuration, and the usual clause that the Pope has no temporal power in this country.

231. Up to that time it appears that the rights of citizens were only given by those laws to foreign Protestants?—This Act of Parliament extends it, and embraces persons of all religious persuasions ; for the Act prescribes as the only condition an oath which is not inconsistent with the principles of a Catholic, that the Pope has no temporal power or authority in this country ; but then this Act contains a clause not contained in the former : “That no person, naturalized by this Act shall be enabled to serve in Parliament, nor to be of the Privy Council, nor to hold any office of trust, civil or military.” That made a very material alteration in the previously existing state of the law.

232. *Mr. Cripps.*] Did that affect the former Act?—It did not expressly repeal the former Act ; that Act is in force to the present hour ; but as that Act enabled only Protestants to acquire rights, by the 19th & 20th George 3d, persons of all religious persuasions are admitted ; and I apprehend when this latter Act, the 19th & 20th of George 3d passed, no person naturalized in the country by any Act of Parliament then existing would afterwards be entitled to serve in Parliament, or be of the Privy Council, or hold any office of trust.

233. It appears that that Act assimilated the law of Ireland to the law of England?—How the statute law of England stood at the time, I have not at present exactly in my mind. But I believe that at that period, viz. 1780, there were no means for a man's attaining the rights of a British subject in this country, except by a special Act of Parliament ; but the Irish statute of 1780 is a general Act for all applicants to become subjects of the Crown in Ireland, without a special Act of naturalization.

234. It conveyed the same rights of citizenship as were in England conveyed by a special Act of naturalization?—Yes.

235. What was the next Act of Parliament?—The next Act is the Act, a very remarkable one, of the 23d & 24th Geo. 3, c. 38 ; that was passed in the first Parliament held in Ireland after Mr. Pitt's accession to power in 1784. I apprehend the Duke of Rutland was then Lord Lieutenant ; the Parliament began in the early part of 1784.

236. That was the government formed after the celebrated struggle on the India Bill?—Yes. That Act of Parliament is intituled, “An Act for extending the provisions of the 19th & 20th of Geo. 3 ;” and it enacts, “That from and after the passing of the Act, all and every nobleman, gentleman, merchant, &c. of any sect, religion, or persuasion,” and so on, including all classes, born out of the kingdom (excepting persons professing the Jewish religion, who were dis-

Mr. Serjeant *Stock*,  
M. P.  
27 March 1843.

abled), "who should at any time thereafter transport him, her, or themselves into this kingdom, with intent to abide and settle therein, should from and after his, her, or their taking the oath thereafter mentioned (or affirmation, if a Quaker), be deemed and adjudged a liege, free, and natural subject, as fully and effectually as if born within the kingdom." Then follows a provision, which I consider to be a very remarkable one; the second section enacts, "That no person naturalized under this Act should have power or be entitled to serve in Parliament, nor be of his Majesty's Privy Council, nor be a Peer of the realm, nor should be entitled to hold any office of trust or profit, civil or military, unless he should have resided in the kingdom three years, at one or different periods, from the day of passing the Act." The third section is, "That no such person so naturalized, should be entitled to vote for a Member of Parliament, unless he should have become qualified as other natural-born subjects were." So that, under this Act of Parliament, the conditions for obtaining the rights and privileges of a native-born subject were, first, that he or she should transport him or herself into this kingdom with intent to abide and settle; and, secondly, in order to obtain a full capacity to be admitted to all rights, that there should have been a residence of three years at one or different periods. By complying with those two conditions the party was entitled to hold every privilege of every description, and made admissible to offices and to both Houses of Parliament.

237. And that applies to foreign Roman-catholics as well as Protestants?—Yes. Then the last Act of Parliament passed on the subject, in Ireland, is the 36th of Geo. 3, c. 48, which annexes a new provision to those previously conferring these privileges; and that is the condition of obtaining a licence from the Lord Lieutenant of their being fit and proper persons to be admitted: it is intituled, "An Act to explain and amend an Act, intituled, 'An Act for Naturalizing such foreign Merchants, Traders, Artificers, Artisans, Manufacturers, Workmen, Seamen, Farmers, and others, as shall settle in this Kingdom.'" That is the 19th & 20th of George the 3d. It takes no notice whatever of the intermediate Act of the 23d & 24th of George the 3d, chapter 38, which was to extend the provisions of 19th & 20th of Geo. 2; and it recites that several persons with large personal estates had been resident, and were desirous of settling and purchasing lands, provided that they could be naturalized, but it was doubtful whether the words of the former Act (that is the 19th & 20th of George the 3d) were sufficient to include all persons not being merchants, and so on. Then it enacts, that all and every foreign person of whatever description who then was or were resident in the kingdom, or should thereafter transport him, her, or themselves to settle in any part of the kingdom, should be deemed liege, free, and natural subjects to all intents, on their taking the oaths of allegiance and abjuration, and that the Pope has no temporal power. Secondly, provided that no person should have the benefit of this Act, or the Act of the 19th & 20th of George the 3d, who should not previously have obtained a licence from the Lord Lieutenant of his or her being a fit and proper person to be naturalized; which licence he or she should produce to such magistrate before he should administer the oath; and the said licence should be filed with the magistrate's certificate in the Court of Chancery, there to remain of record. The third section enacts, that nothing therein contained should be construed to qualify such person to be a member of his Majesty's Privy Council, or sit or vote in either House of Parliament, or to hold any office or place of trust under his Majesty. So far the Legislature seems to have reverted to the old limitation, but not repealing in any way whatsoever the clauses of the Act of the 23d & 24th of George the 3d, chapter 38. I should apprehend, and state it as my opinion, that that Act is still in force, and that to this hour a residence of three years in Ireland, and a licence from the Lord Lieutenant, would qualify any person taking the oaths as a British subject, in the fullest sense of the word, to be admitted to all the privileges belonging to a British-born subject.

238. Mr. *Ewart*.] Has any question arisen on the variation between the two Acts?—No, I believe no such question has ever arisen or been determined in a court of justice. Whether such a question may have engaged the attention of the Privy Council is more than I can pretend to say; but this I know, that these Acts have worked beneficially, and been found practically useful in Ireland, and that several citizens of great respectability have entitled themselves to the benefits of this Act of Parliament at different periods of time.

27 March 1843.

239. Do you know whether any persons who have come in under the 19th & 20th George the 3d, would have been excluded by the 36th?—I know one case which has fallen under my own personal knowledge: a hairdresser in the city of Dublin, an Italian of the name of Basseggio, an ingenious clever man, acquired very considerable personal estate by trade in that city: he was naturalized by the Lord Lieutenant by act of council under these statutes, and I know that he purchased an office, which must be held to be an office of trust, and exercised the functions of it for a length of time, several years; that was the office of Captain of the Battle-axe Guard, in the Castle of Dublin.

240. Lord *Harry Vane*.] Do not you imagine that inconsistent with the 36th of George the 3d?—No; he had resided many more than three years; and I apprehend the construction put upon this Act would be, that notwithstanding the provisions of the 36th of George the 3d, a licence from the Lord Lieutenant, at a distance of three years, under the 23d & 24th of George the 3d, would qualify any man to be admitted to an office of trust.

241. Sir *E. Colebrooke*.] And to sit in Parliament?—Yes.

242. Mr. *Cripps*.] Probably you would not suggest any alteration as to foreigners in Ireland?—I do not know whether it is the intention of the Committee to extend their labours to the law of Ireland, but I do not see any great necessity for it.

243. Lord *Harry Vane*.] What would be the bearing of the law of Ireland on the possibility of a man obtaining naturalization in this country; supposing a man obtains the franchise under the circumstances you have mentioned in Ireland, would he be able to hold office in this country?—No, I apprehend not, for the laws in this country are against it.

244. If he is *bonâ fide* an Irishman, may he not indirectly possess the privileges of a British subject?—I think a Committee of this House would decidedly pronounce that a man under those circumstances was not competent to sit in Parliament.

245. Sir *E. Colebrooke*.] Any alien could hold any personal property in Ireland without receiving a licence from the Lord Lieutenant?—Not without restriction; I apprehend he would be subject to all the disabilities of an alien, unless he was admitted by a licence from the Lord Lieutenant, or unless he were a Protestant alien qualifying under the Act of Charles the 2d.

246. Are you aware whether, under the Act prior to George the 3d, many foreign Protestants were naturalized in Ireland?—Those Acts fall back into such a remote period of time, I doubt whether there remain any records now of the admission of foreigners; but I should judge from the recitals of subsequent Acts of Parliament, continuing and perpetuating the Act of Charles the 2d, there must have been many such instances, for both those Acts recite that the former Acts had operated beneficially: of course that could not have been ascertained unless there had been some instances, at least, of persons who had availed themselves of the privileges held out.

247. Is there any expense attending the procuring of a licence from the Lord Lieutenant?—I cannot pretend to say that I am personally acquainted with the fact, but I am quite convinced there would be little or no expense; there would be only a memorial to the Lord Lieutenant, and then, upon an *ex parte* hearing, without feeling counsel or retaining an attorney, the party would be entitled, simply from memorialising.

248. Mr. *Cripps*.] Does no patent issue?—No, it is a common licence.

249. And it does not require the fiat of the Attorney or Solicitor-general?—No, certainly not.

250. Lord *Harry Vane*.] Is an inquiry instituted, or what is the process adopted?—The power of inquiry before the Privy Council is incident to the functions of the Lord Lieutenant, under that Act of Parliament.

251. Do you know the practice?—I do not. A member of the Privy Council told me very recently, since I began to consider this subject, that the authority of the Lord Lieutenant under these Acts had worked beneficially, and that several persons had availed themselves of it.

252. You mean to say you heard this within a recent period?—Yes, within three months.

253. *Chairman*.] Did you ever know of a party applying for the advantages of the law, and being refused by the Privy Council?—I cannot speak to any instances, nor positively. I have heard it stated in conversation, that a celebrated

Mr. Serjeant Stock, public character, Signor Bianconi, had made that application to the Privy Council, and been refused.

M. P.

27 March 1843.

254. Mr. Ewart.] Have a great many persons availed themselves of these privileges?—I understand several.

255. Can this Committee obtain a return of the number?—Nothing would be easier; I should apprehend the clerk of the Council in Dublin would be able to make the return.

256. You are aware that by the statute of William the 4th, an alien is disabled from being owner or part owner in a British vessel?—Yes.

257. Do you consider that that enactment is contrary to the common law of this country, by which parties are allowed to hold personal estate in goods or money, of a transitory or moveable nature?—I certainly cannot pretend to give an opinion; I have not turned my mind to consider what the rights of an alien would be at common law in respect to such property as a share in a ship. I should be disposed to say, probably that it would be held at common law that an alien would be capable of enjoying it; I should be disposed to say so, but I would not pretend to give a decided opinion on the subject.

258. What is your opinion of the policy of the statute?—So far as I am able to pronounce an opinion upon the subject, I hold that is decidedly against the first principles of policy in a trading nation like the English.

259. *Chairman.*] Are you aware that an alien in this country cannot hold a lease for years of a house?—So I apprehend.

260. You have stated the nature of the laws which exist in Ireland, in relation to this subject: have you any acquaintance with the English law?—The statute which draws attention more than any other in England, is that of Queen Anne, in 1708; the Act of 7th of Anne, c. 5. That Act of Parliament naturalized all aliens upon taking the sacramental test, and taking the oaths of allegiance and supremacy. It was a very short simple Act; but that Act only subsisted for three years; it was repealed in the year 1711–12. That Act was introduced by the Godolphin administration, and Burnet gives an account of it; he was a great friend to the measure. According to his account there was no other opposition offered to it except by the Church, particularly insisted on by a party in the House of Lords, who required that the sacramental test should be annexed as a condition to the qualification; and that the stranger applying to be naturalized under this Act of Parliament, should take the sacrament according to the forms used in this country. There was an opposition made by the more liberal party in both Houses, who desired to allow the admission of foreign Protestants of all denominations, those who might object to the form of English ritual and wished to take it in any other way; but that was overcome, and Parliament imposed the condition of taking the sacrament in the English form. The observations of Burnet are summed up very shortly: “An Act passed in this Session that was much desired, and had been often attempted, but had been laid aside in so many former Parliaments that there was scarce any hopes left to encourage a new attempt: it was for naturalizing all foreign Protestants, upon their taking the oaths to the Government, and their receiving the sacrament in any Protestant church. Those who were against the Act soon perceived that they could have no strength, if they should set themselves directly to oppose it; so they studied to limit strangers in the receiving the sacrament to the way of the Church of England. This, probably, would not have hindered many who were otherwise disposed to come among us; for the much greater part of the French came into the way of our Church. But it was thought best to cast the door as wide open as possible for encouraging of strangers; and therefore, since, upon their first coming over, some might choose the way to which they had been accustomed beyond sea, it seemed the more inviting method to admit of all who were in any Protestant communion. This was carried in the House of Commons with a great majority; but all those who appeared for this large and comprehensive way, were reproached for their coldness and indifference in the concerns of the Church; and in that I had a large share, as I spoke copiously for it when it was brought up to the Lords: the Bishop of Chester spoke as zealously against it, for he seemed resolved to distinguish himself as a zealot for that which was called High Church. The Bill passed with very little opposition.” That Act remained only three years in operation; it was then repealed by Harley’s ministry.

261. There had been a bill introduced into the House of Commons previously,  
and

and sent up to the House of Lords, for the purpose of repealing it; which was rejected by the Lords?—I was not aware of that.

262. Was that Act, after it had been repealed, ever afterwards brought forward again?—Yes; I have looked into the Journals of the House of Commons, and I find in the year 1748, and again in 1751, the same measure was brought forward under the Pelham administration; Mr. Pelham seems strongly to have patronised the measure, but without success. The bill in the year 1751 passed the second reading; it was much discussed in the House of Commons, and the cause of its being dropped appears to have been the death of Frederick Prince of Wales, which disarranged the public business in that session. The bill was immediately afterwards dropped.

263. Mr. *Ewart*.] That was strongly supported by Mr. Pitt (afterwards Lord Chatham) and Lord Lyttleton?—It was.

264. *Chairman*.] The law at that time would have placed various corporations in the kingdom under circumstances of disadvantage with regard to dues which were collected from foreigners?—So I understand, particularly the city of London.

265. Do you remember the circumstance of the scavage and privage dues of the city of London being urged by way of objection?—Yes; I find that a petition was presented in the Session of 1753, by the mayor and corporation of London, representing the loss they would sustain from the introduction of foreigners, and their being obliged to remit to all naturalized aliens those dues which as aliens they were obliged to pay; privage and scavage dues being payable.

266. Those dues have since ceased?—So I understand.

267. Mr. *Ewart*.] Can you state why this more free admission of aliens happened to take place in Ireland before it took place in England?—I think the true account is given by the recitals of the Act of Charles the 2d; the recitals of that Act are very full, and I believe it was drawn up by Sir William Temple; and the reasons recited are the waste and desolation of Ireland, the necessity of encouraging strangers and foreigners, and the danger of the raw productions of the kingdom going abroad to be manufactured instead of being worked up in the country.

268. You consider that it had arisen from the particular state of Ireland?—Yes; but I also consider the preamble to contain enlightened observations on the general principles of commercial policy, applicable to the subject.

*Henry Walmsley, Esq.* called in; and Examined.

269. *Chairman*.] YOU are a clerk in the House of Lords?—I am an extra clerk. *H. Walmsley, Esq.*

270. Have you a knowledge of the form of proceeding in the House of Lords in respect of passing Naturalization Bills?—I have.

271. Will you be so kind as to state what the form is?—Am I to state the form as it refers to the House of Lords only, or the whole proceedings on a Bill? I am also a Parliamentary agent.

272. Have the goodness to give a statement of the course of proceeding?—The first step is to apply to the Home Office by a memorial, stating the reasons why the alien wishes to be naturalized; that he has acquired freehold property, and cannot hold it, or some other reason. Then the Secretary of State gives a certificate of the party being well affected to Her Majesty's person and Government, and of his being of orderly life and conduct, which is returned to the agent for the Bill. Then the Bill is introduced with the disabling clauses which are required by the Act of the 12th & 13th of William the 3d: (viz.) that he may not have grants of lands, or be a Member of either House of Parliament, or of the Privy Council, or hold any office, civil or military, and so on. The Act is introduced always in this form (*producing it*), which states that he shall be naturalized; and there are then those disabling clauses referred to.

273. That is universally the form?—It is; petitioners for Bills used to be required formerly to take the sacrament, but that is no longer required. When the certificate has been read in the House, the party applying for the bill has to take the oaths of allegiance, of supremacy, and of abjuration at the Bar of the House; the Lords will not read the Bill a second time till a certificate of the good conduct of the party applying for the naturalization has been received, which certificate is signed by the Secretary for the Home Department; then the petitioner takes those oaths. If he happens to be a Roman-catholic, he takes the oaths now taken by Peers professing the Roman-catholic religion. It was not customary, I believe, before the Roman-catholic Disabilities Removal Bill, for

*H. Walmisley, Esq.*

27 March 1843.

any Roman-catholic to be naturalized; but any Christian, even of the Greek church, may now.

274. Has a Bill, after it has received the sanction of the Secretary of State, ever been refused?—I have never known an instance: it passes as matter of form, the petitioner being required to appear twice; first to take the oaths, and afterwards to consent before the Committee on the Bill.

275. Lord *Harry Vane*.] You say that any Christian can be naturalized; could a Jew be naturalized?—No; I believe that is the rule of Parliament.

276-7. Is that contrary to the standing orders?—No:—There is only one standing order, that which requires the certificate of the Secretary of State.

278. *Chairman*.] You say he must attend before the Committee; what Committee is that?—The Committee consists of the Peers present when the Bill is read a second time: Lord Shaftesbury being the Chairman, it is the same Committee to which other private Bills go.

279. Mr. *Aglionby*.] Are not all Naturalization Bills in the same form?—Yes.

280. Is it not a form which has been prepared under Lord Shaftesbury's direction?—It has been the same for some years; Lord Shaftesbury always puts to the Committee clerk the question whether the Bill is according to the usual form.

281. Did you ever know of any petition from a British-born subject; is any objection made by any party against any of the clauses and provisions of a Naturalization Bill?—No, I never knew any objections; objections have been stated to me previous to bringing in the Bill. I have told the parties that unless they conformed to those rules Parliament would not grant them a Bill, and I would not advise them to apply.

282. Were those petitioners against the Bill?—No; the parties applying for Naturalization Bills have been dissatisfied when they found those disabling clauses.

283. The persons you mentioned were those who were petitioning for the Bill?—Yes.

284. Have other persons who might conceive their interests affected by the passing of the Bill, interposed?—I never knew an instance.

285. Are you aware of any rights given to an alien to hold land by any title to be retrospective, after his having obtained an Act of Naturalization?—I have always understood that the Act was not intended to have a retrospective effect in that respect; it dates from the passing of the Act.

286. Sir *Edward Colebrooke*.] What is the form of oath taken by the parties?—If they profess the Protestant religion, it is the oath of allegiance, the oath of supremacy, and the oath of abjuration; if they are Roman-catholics, they are the same oaths as are settled by the Roman-catholic Disabilities Removal Bill.

287. Mr. Serjeant *Stock*.] Does the Bill brought in contain any reference to those oaths?—No.

288. *Chairman*.] It is a form of oath which would exclude a Jew?—Yes.

289. What are the words which would exclude a Jew from taking the oaths?—There are the words "on the true faith of a Christian." The oaths used to exclude Roman-catholics.

290. You stated that parties sometimes applied to you to take the necessary measures for passing an Act of Naturalization, and that they afterwards professed themselves dissatisfied with the limited rights acquired?—I recollect one instance of that being expressed by the father of a young man; he was dissatisfied because he said his son, however talented, could not become Lord Chancellor; he did not make the objection till the Act had passed.

291. Mr. *Cripps*.] Have you ever known any persons who, on finding out what the clauses were, refused to go on with the Bill?—I have a case of two brothers at this moment, but it is under very peculiar circumstances; they believe themselves to be British-born subjects, but a doubt has arisen, and they wish for an Act to be passed, but would not be satisfied with a Bill containing the disabling clauses.

292. They are afraid of admitting their foreign birth?—Yes; they wish a Bill passed the same as that passed in the case of Prince Albert.

293. What is the expense of a Naturalization Bill?—When the party comes to me direct I charge him 100 *l.*, which includes every expense. When two or more persons (as parent and children) are included in the same Bill, the charge is then 180 *l.*

294. That includes the remuneration of the Parliamentary agent?—Yes, it includes



includes everything; I have known cases where parties have paid several hundred pounds. H. Walmisley, Esq.

295. *Chairman.*] From what cause was there so great a difference in the expense?—Sometimes solicitors apply, sometimes the parties themselves apply; if the solicitor applies, that of course increases the expense. 27 March 1843.

296. *Mr. Cripps.*] Have you ever known a Naturalization Bill become an opposed Bill?—I never have; the House of Commons require no proof before their Committee, except the testimony of the Committee clerk of the House of Lords that the party appeared before the Committee of the Lords and consented.—[*The Witness delivered in the form of a Naturalization Bill, which is as follows:*]—

“ Humbly beseccheth Your Most Excellent Majesty, the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, son of

by his wife, born at

in the kingdom of , out of Your Majesty’s allegiance, professing the [Protestant] religion, and having given testimony of his loyalty and fidelity to Your Majesty and the good of the United Kingdom of Great Britain and Ireland, That it may be Enacted, and be it Enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that he the said shall be, and he is hereby from henceforth naturalized, and shall be adjudged and taken to all intents and purposes to be naturalized, and as a free-born subject of the said United Kingdom; and he is and shall be from henceforth adjudged, reputed, and taken to be, in every condition, respect, and degree, free to all intents, purposes, and constructions, as if he had been born a natural subject within the said United Kingdom. And be it further Enacted, That he the said shall be, and he is hereby enabled and adjudged able, to all intents, purposes, and constructions whatsoever, to inherit and be inheritable and inherited, and to demand, challenge, ask, take, retain, have, keep, and enjoy, all or any manors, lands, tenements, hereditaments, goods, chattels, debts, estates, and all other privileges and immunities, benefits, and advantages, in law or in equity, belonging to the liege people and natural-born subjects of the said United Kingdom, and to make his resort or pedigree as heir to his ancestors, lineal or collateral, by reason of any descent, remainder, reverter, right, title, conveyance, legacy, or bequest whatsoever, which hath, may, or shall from henceforth descend, remain, revert, accrue, or grow due unto him; as also from henceforth to ask, take, have, retain, keep, and enjoy all manors, lands, tenements, and hereditaments which he may or shall have by way of purchase or gift of any person or persons whomsoever, and to prosecute, pursue, maintain, avow, justify, and defend all and ail manner of actions, suits, and causes, and all other things to do as lawfully, liberally, freely, and surely, as if the said had been born of parents being natural-born subjects of the said United Kingdom, and as any person born or derived from parents being natural-born subjects of the said United Kingdom, may lawfully or in anywise do; and he the said , in all things, and to all intents and purposes, shall be taken to be, and shall be a natural liege subject of the said United Kingdom, any law, act, statute, provision, custom, ordinance, or other matter or thing whatsoever had, made, done, promulged, proclaimed, or provided to the contrary thereof in anywise notwithstanding. And be it further Enacted, That he the said

shall not hereby be enabled to be of the Privy Council, or a member of either House of Parliament, or to take any office or place of trust, either civil or military, or to have any grant of lands, tenements or hereditaments, from the Crown, to himself or any other person or persons in trust for him, anything herein contained to the contrary notwithstanding. And be it further Enacted, That he the said shall not hereby obtain or be entitled to claim within any foreign country any of the immunities or indulgences in trade which are or may be enjoyed or claimed therein by natural-born subjects of the said United Kingdom, by virtue of any treaty or otherwise, unless he the said shall have inhabited and resided within the said United Kingdom, or the dominions thereunto belonging, for the space of seven years subsequent to the first day of this present Session of Parliament, and shall not have been absent out of the same for a longer space than two months at any one time during the said seven years, anything herein contained to the contrary notwithstanding.”

*John M’Gregor, Esq. called in; and Examined.*

297. *Chairman.*] YOU are in engaged in the department of the Board of Trade?—I am. John M’Gregor, Esq.

298. Have you paid any attention to the English laws affecting aliens and persons of foreign birth residing in this country?—I have to a certain extent, but not to a very minute examination.

299. Are you acquainted in any degree with the laws of other countries relating to the same subject?—Yes, of some other countries.

300. Does it appear to you that the laws of England are more or less rigid than

John M. Gregor,  
Esq.

27 March 1843.

than the laws generally prevailing in Europe?—Generally speaking, I consider the laws of England far more rigid than those prevailing in other countries; those in France approach the nearest to those of England, but those of France are less rigid.

301. A foreigner is at liberty to take real property in France without obtaining any permission from the Crown or the Legislature, is he not?—Yes.

302. Will you proceed to state what is the nature of the law in France?—A foreigner is allowed by the King's permission (*Ordonnance du Roi*) to establish his domicile in France; and, so long as he continues to reside there, he will be admitted to the participation and enjoyment of all civil, although not of political rights; this enjoyment is, however, entirely dependent upon such domicile, and ceases immediately the domicile is lost. The enjoyment of all those civil rights enables him to possess real estate in France. By the law of France, a foreigner having complied with certain conditions, of which the principal is an uninterrupted residence in France by permission of the King (*Ordonnance du Roi*) during 10 years, may become naturalized. To a foreigner who has rendered essential service to the state, naturalization may be granted even at the expiration of one year; and *lettres de grande naturalisation* are sometimes afforded to foreigners who have greatly distinguished themselves, and which render them eligible, as well to all honours and dignities under the Crown, as to the participation of civil rights. The *lettres de grande naturalisation* are afforded gratis; the *lettres de déclaration de naturalité* are charged 100 francs for the sealing, with an additional duty, 20 per cent., for the registry. An Englishwoman marrying a Frenchman, becomes naturalized by the marriage. The naturalization of a Frenchman in a foreign country, without the permission of his own government, incurs the forfeiture of his rights, as well political as civil; but it is otherwise when such consent has been previously obtained. The *lettres patentes* which authorize a Frenchman to become naturalized, or to enter the service of a foreign State, are charged 500 francs for the sealing, with a proportionate per-centage on the registry. The analogy between the conditions of a French subject in England and British subject in France may, with some few exceptions, be thus considered: that the rights and privileges of the former, as in the instance of the cognizance taken of him by the courts of law, perhaps rather exceed those of the latter; that the state of denization in England may be compared to that of the British subject domiciled in France, and residing there under the sanction of an *ordonnance du Roi*; that naturalization may be likened to the obtaining of *lettres de naturalité* in France; and that the naturalization, with a repeal of the disabling statutes in the alien's favour in England, resembles the *lettres de grande naturalisation* granted upon occasions of similar importance, and to distinguished foreigners becoming subjects to the King of France.

303. Mr. Darby.] It requires an *ordonnance* of the King, and for the person to reside 10 years before he can become a naturalized subject?—It requires the permission of the King; and after a residence of 10 years a foreigner who has committed no illegal acts, can claim his naturalization.

304. That is, 10 years with the King's permission?—Yes; the King's permission is formally given by the prefecture of police where he may have his domicile, or the government authorities.

305. You are speaking of the *grande naturalisation*?—Yes; the complete civil and political rights by the act of *grande naturalisation*, and also by *déclaration de grande naturalité*.

306. Mr. Serjeant Stock.] Does the *grande naturalisation* comprise all the rights?—Yes; that makes them completely French citizens.

307. They could be elected to the Chambers?—Yes.

308. Chairman.] Do you know of any remarkable instance of a foreigner having obtained the *grande naturalisation* in France?—Yes; I think there are several instances of foreigners

309. Lord Hurry Vane.] Are you acquainted with Monsieur Rossi?—Yes, I was.

310. What countryman is he?—He was of Bologna.

311. You are acquainted also with the case of Benjamin Constant?—Yes; I knew his case also.

312. What countryman was Benjamin Constant?—A Genevese.

313. Mr. Serjeant Stock.] Are the letters of *grande naturalisation* issued in the

27 March 1843.

the King's name?—Yes; the permission is agreeable to the *ordonnance*, but the *lettre de naturalisation* and *déclaration de nationalité* are issued in the King's name, simply. I am not quite certain whether it is not afterwards promulgated by *ordonnance*; I believe so.

314. Lord *Harry Vane*.] Does not it require the consent of the two Chambers?—I am not aware of that being the case; I think not.

315. *Chairman*.] Foreigners without any act of naturalization can hold lands and enjoy the protection of the law of France?—Yes, certainly; I have known several foreigners purchase and hold land in the neighbourhood of Paris, and in other parts of France.

316. Lord *Harry Vane*.] They can sue?—Yes; they may even do that by their domicile.

317. *Chairman*.] The *lettre de grande naturalisation* is obtained through the minister of the interior?—Yes; I am not positive as to its afterwards requiring the consent of the Chambers; I believe not.

318. Lord *A. Hervey*.] What is the condition of obtaining the smaller rights?—By taking a domicile in France, and having the domicile registered at the prefecture of police.

319. Mr. *Ewart*.] Must the King give his consent to it?—It is supposed the King gives consent to all the legal acts of the minister of the interior and the prefecture of the police.

320. Mr. Serjeant *Stock*.] Does the law require in all cases a registration?—If he remains above six months in Paris, or it may be for a lesser period: I think, generally speaking, the domicile is registered as soon as you take the lease of a house.

321. It is not the consideration of obtaining any political privileges?—No; a paper is sent round to fill up with the *tax mobilière*, &c., as far as I recollect, and at the same time that is done, the domicile is registered.

322. *Chairman*.] Is a foreigner, having obtained *le petite naturalisation* in France, competent to hold any office of trust in France?—No; the *petite naturalisation* does not entitle him to hold any office whatever. He is a subject; he must serve in the National Guard, but I think he can hold no office, nor have any political rights in France. He may sue and be sued, and be generally treated as a Frenchman, and may hold landed property in France.

323. Lord *Harry Vane*.] The real privilege which a naturalized foreigner has in France over a foreigner who purchases land, and is merely domiciled in France, is, that his children are French subjects?—Yes, his children become French subjects, and he and his children would enjoy all political rights.

324. The children of foreign parents who are positively aliens without naturalization, would not acquire political rights?—No, that is the difference; but the naturalized foreigner himself can not only enjoy political rights, but his children become French citizens.

325. *Chairman*.] With respect to the laws of the German States bearing on this subject, are you acquainted with the laws of Prussia?—Yes; in Prussia naturalization becomes under some circumstances exceedingly easy. The naturalization of manufacturers and artisans who settle in the country, is admitted, I think, in all the provinces of Prussia with very great facility, unless it be in the Rhenish provinces. I am not certain whether in the latter there are not still some difficulties which do not occur in the old Prussian provinces; they are under the *Code Napoléon*, and I am not certain whether they are not under exactly the same regulations as they are in France.

326. What are the laws in Prussia Proper?—The laws in Prussia Proper are domicile, and being engaged in trade or operations, or married to a Prussian subject, and settled in the country; I am not aware whether there is any particular term of residence; there was not formerly, and I do not think any great change has taken place since 1818.

327. Do you know by what form those rights are obtained?—They are, as far as I recollect, obtained by certain forms coming through the minister of the interior, and by an immediate order or decree of the King.

328. Is that on proof of *bonâ fide* residence?—I cannot state the particulars, but I have understood that the difficulties are not by any means great in Prussia, and before and since the time of Frederick the Great, the government has greatly encouraged the naturalization of foreigners.

329. It is rather the policy of Prussia to encourage foreigners to settle there?

John M'Gregor,  
Esq.

27 March 1843.

—Yes; it has been the policy of Prussia to encourage foreigners to settle there. This commenced immediately on the revocation of the Edict of Nantes. In consequence of what was done in Prussia, an Act of the English Parliament was passed in 1709, which embodied in the preamble the advantages which Prussia derived from that policy; by which Act all Protestant foreigners were to be naturalized in Great Britain on taking the oath of allegiance, and having taken the sacrament in a Protestant church three months previously. The provisions of this Act were afterwards extended to Ireland: there was, I believe an Order in Council extending it.

330. Did that Act recite anything about Prussia?—Yes.

331. Lord *Harry Vane*.] Are you aware whether in Prussia, or other States in Germany, foreigners are enabled to hold lands without being denizens or naturalized subjects in those countries?—In the Austrian dominions, including Lombardy, they are.

332. Are you aware whether that is so in the kingdom of Naples?—Yes, it is.

333. *Chairman*.] Is it the case in Holland?—Yes, I think it is: I am not positive as to the conditions.

334. Is it the case in Belgium?—Yes, it is.

335. Mr. *Ewart*.] What has been the result of this policy of the admission of foreigners in those countries?—The result in Prussia has at all times been considered exceedingly advantageous to the country. The Protestants who left France in consequence of the revocation of the Edict of Nantes, were those who, in fact, established the first manufactures of any importance in Prussia, with the exception of the very common woollen and linen manufactures, which had existed; and many of the manufacturers and merchants who were expelled from France at that time settled at Leipsic, and in other places in Saxony; they also were considered to have contributed greatly, not only to the fairs and trade of Leipsic, but to the manufacturing industry of Saxony.

336. It was the Statute of the 7th of Anne to which you have adverted as having made a general reference to the policy of Prussia and other countries, with respect to the admission of foreigners?—Yes; it was not only immediately after the revocation of the Edict of Nantes that Prussia pursued that course, but the same policy was followed out to a great extent by Frederick the Great, who attracted a great number of artisans afterwards to that country.

337. Mr. *Serjeant Stock*.] Are you aware that he boasted of having doubled the population of his country, from 2,500,000 to 5,000,000 in the first 20 years of his reign?—I thought he had augmented the population by a still greater number.

338. *Chairman*.] Has the same policy been pursued in Austria?—Very extensively with regard to artisans and with regard to employment in Austria.

339. It was considered by the Austrian government that to grant rights of citizenship to foreign artisans was a means of inducing them to settle in that country?—Yes, it has been done to a very great extent; even during the last 17 years.

340. Mr. *Darby*.] Do you consider that doubling the population would, under the circumstances of the country, be advantageous?—That is a question connected with so many others in regard to the means of maintenance; I should certainly consider that a very great number of other measures must be adopted at the same time, or probably a long time before, such an increase could be employed and provided for.

341. What do you understand it to be necessary for a foreigner to do in order to be enabled to take real property in France?—A foreigner may go from this country to France without having any domicile, and purchase and hold property there; I allude also to the *petite naturalisation*, which enables them to live in France and have all the advantages of the French laws, to sue and be sued, and so on, which without having a domicile he cannot do.

342. *Chairman*.] With regard to those States of Europe which have advanced with great rapidity as commercial and manufacturing States, do you know what policy they have pursued generally with regard to foreigners?—Generally speaking most of the commercial States in Europe have pursued the policy of inviting foreigners to settle in those countries, especially foreigners to be engaged in manufactures; and when that policy was pursued, we generally find some well-established manufactures in the country, though frequently at a great expense,

as in the case of France during the administration of Monsieur Colbert, when the Dutch cloth-manufacturers were attracted to France by obtaining great privileges, and had a monopoly of the business for a series of years.

343. Are you acquainted with the early history of Venice?—I am partially acquainted with the early history of Venice; with Daru's History, and various other histories, giving an account of its first rise and progress, and commercial policy.

344. What was the policy pursued by Venice in relation to foreigners?—The early policy of Venice was to attract all foreigners to settle and bring with them their ingenuity, capital, and enterprise. The policy of Venice afterwards continued much the same, with the exception that, while every facility was afforded to foreigners to settle in Venice, every difficulty was thrown in the way to prevent their leaving it with their property; the children, so far as I recollect, could not inherit the property of their parents if they left; those very persons who became naturalized, if they left it afterwards, were brought back, and if not otherwise disposed of, were assassinated by persons secretly employed to follow them to wherever they went.

345. Venice was extremely jealous of any artisan leaving her dominions to settle in any other part of the world?—No one could leave to settle in any other part of the world otherwise than as agents, except in the dominions of the Republic of Venice, without losing all the property he had in Venice, or the risk of being brought back and punished for having left it, or being assassinated.

346. Is it stated in Daru's History that when an artisan left Venice, his nearest relations were immediately taken into custody, and imprisoned till the artisan returned?—Yes; all his relations were, I think, taken into such custody to prevent their leaving Venice, or the dominions of the Republic, and until the person who left clandestinely returned.

347. Do you consider the great height of prosperity to which the arts arrived in Venice at all attributable to the policy of inducing foreigners to settle in Venice?—Yes, I do, to a very great degree; and I attribute the prosperity of Holland to the same causes.

348. Mr. *Darby*.] You were asked whether you attributed the prosperity arrived at in those countries which have most risen in manufactures to the policy which had been adopted there; do you consider that any of those countries in the same space of time have displayed as much manufacturing and mercantile improvement, and as great enterprise as this country?—Yes, I think that Venice and Holland, in a much less space of time, according to their extent of territory and population, have displayed much greater enterprise than any other country.

349. *Chairman*.] What is the case of Holland to which you refer?—That country, from its position, held out natural means of escaping from countries where artisans and others were subjected to various disabilities and grievances; and Holland at all times invited foreigners, giving them at once the benefit of citizenship on settling in the country; and frequently enabling them, if they had not the means, to settle in the different towns of Holland, by giving them money at once to enable them to do so; or establishing them in such credit as would enable them to carry on their different handicrafts and professions: we find that very fully described in a book intituled *La Richesse de la Hollande*, and other works.

349\*. What is the date of that publication?—It was, I think, published in Holland in the year 1770. It was translated into French, and published in this country in the year 1778.

350. Sir *E. Colebroke*.] Do you not state in your report, a report drawn up under the directions of the Dutch Government, on the causes of the prosperity and decline of the commerce of Holland, in which it is stated as one of the causes of that prosperity, that so great a latitude was allowed to settling in the country?—Yes; that report was drawn up at the request of the Prince of Orange in 1751.

351. *Chairman*.] In reference to this question, have we not derived considerable advantage in the progress of our manufactures from the immigration from other countries?—Certainly; not only after the revocation of the Edict of Nantes, but as far back as the reign of Edward the 3d. But as far back as prior to the reign of King John, as would appear from a particular clause in Magna Charta, we must have derived very considerable advantages from foreigners settling in this country. The Lombard merchants, and others who laboured under comparative

*John M. Gregor,*  
Esq.

27 March 1845.

*John McGregor,*  
Esq.

27 March 1843.

disabilities in this country to those of English subjects, have had advantages conferred upon them, especially in London, which they did not enjoy in other countries: the Hanseatic people especially had protection and great privileges in London.

352. Did not the immigration from foreign States lay the foundation of our present excellence in manufactures?—I should form that conclusion; for in countries where those facilities have not been extended to foreigners to bring their arts, they are still exceedingly backward: whereas, in countries like Holland, and the Republic of Venice, where foreigners were allowed to come freely for the exercise of their business, the arts and sciences flourished.

353. *Mr. Ewart.*] Was not calico-printing introduced by foreign Protestants?—The calico-printing and its improvements in this country up to the present period, appear to have been introduced by foreigners. The Turkey Red was, I think, introduced into this country by a Frenchman, named Papillon, who received a reward from Parliament. I think the first calico-printing establishment in England, if I recollect well, was established at Mortlake, near the Thames.

354. *Chairman.*] The woollen manufacture was derived originally from foreigners, was it not?—The woollen manufacture, as far as I am acquainted with its history, came from the Flemings; they were the first who were engaged in the finer woollen manufacture in this country; we previously sent our wool over for sale to the manufacturers of Brabant, the English having depôts for the purpose at Calais, and places in Flanders.

355. Did we derive the silk manufacture in any degree from the settling of foreigners among us?—At what time encouragement was given for the silk manufacturers to come and settle in this country, I cannot charge my memory; but during the reign of the Stuarts, if I recollect rightly, foreign silk weavers, or silk manufacturers, obtained, by settling in this country, all the privileges of naturalization.

356. Is there any other description of manufacture you can call to mind which was introduced into this country by the settling of foreigners among us?—Watch-making, I believe, was introduced into this country principally by foreigners, either from Holland, or by the Protestants who came from France.

357. Hats?—Yes, hats likewise; felts were introduced from Brabant and Holland.

358. There is little doubt that the manufactures which had already taken root in this country have been considerably improved by the same means?—Yes, I have also come to the same conclusion as to those. The intelligence which foreigners brought into this country, and the enterprise they developed in this country, were the two great causes of the prosperity of our manufactures.

359. *Mr. Darby.*] Understanding that so many of our manufactures have had their origin from the introduction of foreigners into this country, and that the improvements have arisen from the same cause, what practical mischief appears to have resulted from the existence of the present laws affecting aliens in this country?—Whatever other practical injury may have been consequent upon the present state of the law, I think it may at least be considered as having prevented foreigners coming here with their capital, from not having those advantages which they find in other countries for the employment of that capital.

360. You were understood to say, after mentioning several trades in detail, that they have originated from foreigners having here taught the arts connected with those particular manufactures; if it be so, that our manufactures generally speaking have had their rise from the introduction of foreigners into this country, what practical evil has arisen from the present alien laws, if from time to time the manufactures have arisen from the knowledge which they gave of them?—The practical evil which may have arisen, if combined with the general improvement, must have been comparative in this country, where the advantages derived from competition have promoted improvement in manufactures; and the more that competition has been restricted, the more has the intelligence which can be brought to bear upon bringing forward those improved fabrics been restricted, and consequently the more imperfection will there remain in the production of manufactures.

361. You are understood to say, that all those great improvements and inventions

tions have arisen in this country in consequence of foreigners coming into the country; then what practical injury has resulted to the country if all our inventions and improvements have arisen from foreigners having come here?—When I stated that the improvements in our manufactures, and the prosperity of the country, were owing to foreigners bringing their ingenuity, and their wealth and enterprise into this country, I did not mean to say that this country might not itself produce artisans and men of intelligence independently altogether of foreign countries; but I consider that whenever you bring intelligence, or men who can apply that intelligence, into any country, you increase the productions of labour both in quantity and in value, to such an extent as proportionably to enrich the country which is the seat of those manufactures; and the practical evil which I think the alien law has inflicted on this country, has been exactly in proportion to the degree of exclusion from this country of the intelligence, the industry, and enterprise which were shut out by that restriction.

362. Mr. *Aglionby*.] Do impediments to foreigners coming here with their capital and their skill arise under the present law, from the difficulty and expense of obtaining Acts of Naturalization?—Certainly they do.

363. If the means of obtaining Acts of Naturalization had been multiplied, and rendered less expensive, would the introduction of the capital and skill of foreigners have taken place to a greater extent than it would otherwise have done?—Yes, I am convinced it would.

364. Mr. *Ewart*.] Good has resulted from foreigners coming into this country under the present law?—Yes, under the present, and under former laws.

365. Restrictions exist on the introduction of foreigners?—Yes.

366. In your opinion, greater good would result if more facilities for their introduction were given?—Certainly.

367. Mr. *Darby*.] Supposing that increased competition would be produced by the further introduction of the skill and information and capital of foreigners into this country, do you conceive that a great benefit in the present state of this country would be derived from the additional competition of foreign capital with the capital of this country?—Yes; I do not believe that it would produce very wonderful results, but I certainly do believe that whatever industry, whatever ingenuity, whatever capital was introduced into this country, must have been for the advantage of the country; the more you restrict the admission of artisans, capital, or commodities, the more you keep back the productive industry of the country. Take for instance the mere manufacture of pianos, which was principally introduced into this country from Germany; half a century ago there was scarce a man in England who could manufacture a good piano. By the introduction of some of the principal German manufacturers, we now find almost everything done in the construction of a piano in England, as an English manufacture. English-born subjects can now manufacture as good pianos as the Germans—take Broadwood for example; but I do believe that if those German manufacturers had not come into this country in the first instance, we should not have had such good English pianos as we now have.

368. Mr. *Ewart*.] Is it not the fact that though we owe the manufacture of them to the Germans, the very best pianos are now manufactured in this country and exported very largely?—Certainly.

369. Mr. *Cripps*.] Do you think our alien laws ever sent one practical artisan in the piano line out of this country?—No; but I believe they have come to this country, in the same manner as the sugar-refiners, and that many have gone back to spend the money in their own country after they have made it England; that I have been informed has frequently been the case with those who have made money in our sugar-refineries.

370. Mr. *Ewart*.] You think that if those advantages had been held out as to be obtained with facility, many more foreigners would have availed themselves of them, and settled here?—Generally speaking, the Swiss have returned, after earning money, to their own country; and I remember one remarkable instance where a man would not go to the expense of getting an Act of Parliament to be naturalized; while a very rich man on the Stock Exchange, who could afford it well, settled here under an Act of Naturalization. I refer to Mr. Maubert, the great capitalist in this country; the other said, “I will not go to the expense of getting naturalized here, and I will return to my own country.”

371. *Chairman*.] Referring to the question whether competition might arise in this country in different crafts, if foreigners were encouraged to settle here,

John M'Gregor,  
Esq.

27 March 1843.

is it not the case that if a foreigner happens to be our superior in any description of manufacture, we must meet that competition either by introducing foreigners into this country, and learning the secret of the excellence of his manufacture, or meet it in a foreign market, where we must give way to the foreigner?—Yes, I am quite of that opinion.

372. Do you think it would be preferable for us to encourage the foreigner who is in possession of the secret to come here and to teach it to our people, rather than to occupy the foreign market to our exclusion?—I certainly think so; and that is the opinion of almost every intelligent man I have met with in other countries. We find that the ingenuity of foreigners is now being exercised in inducing intelligent artisans from other countries to settle in theirs. There is the greatest encouragement held out in order to induce British artisans of intelligence to resort thither. In the neighbourhood of Vienna there are large cotton manufactories, with numerous English master workmen; and also in various parts of France there are many of our artisans employed. One of our principal machine-makers is now established in a very large manufactory, under the protection of the French Government, at Marseilles. There are at this moment 300 British mechanics employed in that establishment; the establishment of Mr. Philip Taylor.

373. If a foreigner happens to be our superior in a manufacture, would it not be a better policy to encourage foreigners to come in and teach our people the nature of that manufacture than to be thrust out of the foreign market wherever he appears as our opponent?—I do not know that I should encourage them as the French and the Neapolitans have done by giving them premiums, or otherwise supporting their establishments; but I should place no restriction whatever on their coming here, or to their holding property in the country; I think that by such restrictions we prevent their coming to this country, and that that leads, in consequence of their intelligence, and ingenuity, and enterprise, to their producing fabrics which meet ours in the markets of foreign countries.

374. You are of opinion that adopting the policy of the Act of Charles the Second, and granting the rights of citizenship, would offer an inducement to foreigners to settle in this country?—Yes; but I should go no further than giving them the advantages of a British subject to induce them to settle in this country.

375. Mr. Cripps.] If you wanted them very much, you would not hesitate, perhaps, to give them a bounty?—I think the benefits they would derive under an unrestricted system, would be quite sufficient without anything further.

376. Chairman.] Do you not imagine that if we could establish in this country a manufactory of silk and glass, equal to those which exist in other countries, we should by that increase the means of employing our people?—Certainly.

377. Should we not increase our own?—Yes; the men who would be brought over by an Act of Naturalization, would be not the common labourers, but they would be men of skill, and probably some capital. The Englishmen who leave us and settle in Germany or France, are not the common labourers, but a superior class of men who go there, and leave the poorer classes of workmen on this country. It is the persons who come to be established, or who have become rich in this country, who wish to be naturalized.

378. Mr. Ewart.] Was not the Jacquard loom, now used so advantageously in this country, the manufacture and invention of a foreigner?—I believe it was.

379. Was not the introduction of that attended with great advantage to the manufacture of this country?—Certainly.

380. Chairman.] Are there not some branches of manufacture in which the works of the foreigner are superior to those produced in this country?—I think in some of our manufactures we are far below the standard of the people of other countries, in point of taste.

381. Are not the French artists superior in the silk?—Yes, they are superior in all works of taste in silk.

382. Are they not superior also in their dyes?—Yes, in many respects they are; and their woollen cloths are now competing with ours, entirely on account of the superiority of the dyes, so as to throw ours almost entirely out of the markets of the Levant.

383. Is our glass superior to all those of other markets?—Taking the quality of our glass, it is generally superior to that of almost all other countries, except that of Bohemia; but the coloured glass of other countries, and the designs, are considered



considered very far superior to ours, especially the glass of Berlin and the glass of Bohemia.

384. Sir *John Hanmer*.] With regard to dyes, has not climate a great deal to do with that?—That climate has a great deal to do with it, I am not prepared to say; but some of the finest dyes in the world are the Turkey reds, the production of Switzerland, especially those of Neufchatel.

385. *Chairman*.] You have mentioned that you considered that many practical disadvantages had accrued from the circumstance of our laws not having permitted foreigners to settle among us; you would find it difficult, probably, to state what advantages we have lost?—It would be very difficult to state that, because in the early period of our manufactures, the restrictions to naturalization were comparatively so very few in regard to those who had acquired property in this country.

386. What has been the consequence of the introduction of large immigrations of foreigners into the country, to which reference has been made?—The consequences of the easy introduction of foreigners have been the advantages in manufacturing industry which those countries have derived from the naturalization of foreigners. I refer especially to Holland, Prussia, and, in the early part of her history, to Venice. We find in nearly all the histories written on the subject, at that period and up to the time of Charles the Second, and the reign of Queen Anne, the writers dwell particularly on the advantages that artisans had in those countries, and which they did not so fully enjoy in England or France.

387. Was not one of the causes of the immigration of foreigners into this country, the persecutions to which they were exposed in the States from which they came?—Certainly.

388. It was not therefore the encouragement which we held out to them to settle here, but the discouragement they found in their own country?—In that respect hundreds of those who came to England, left France in consequence of the revocation of the Edict of Nantes; and during the tyranny of the Spanish government in Flanders, the best artisans, especially in the woollen manufactures, escaped from Flanders, either to Holland or to England; and they brought with them their industry and some capital, and established fine woollen and other manufactures in this country. The French who came here did the same thing; and it was, I would observe, not on account of the great facilities we afforded them, but we afforded them the protection and advantages in regard to their religious and civil liberty which they did not possess in those countries.

389. Those causes have ceased to operate in sending to this country those engaged in manufactures?—They have ceased entirely to operate, inasmuch as there is no country now on the Continent which does not encourage artisans to the utmost degree. Every inducement is afforded in the way of promise and protection to foreign artisans that settle among them. Even in Russia every encouragement is given to foreigners, as was the case in regard to Mr. Cockerill and others.

390. We derive no advantage of that description from the religious and political persecutions of other States?—None whatever; that happily is entirely at an end.

391. While the other States of Europe appear to be encouraging, by various means, English manufacturers to settle among them, we offer no inducements to foreigners to settle among us?—We offer no other inducement to foreigners to settle among us than the mere commercial advantages they may derive by employment; or, on becoming mercantile houses in this country, by enjoying mere personal protection here. They may also find employment as labourers, without having any ulterior view to settlement in the country: so far we permit them to exercise their industry and their ingenuity, but further than that we are very far behind any State in Europe.

392. Lord *Harry Vane*.] Are you to be understood that it would be desirable we should adopt the French system; that we should permit foreigners without any denization or naturalization freely to purchase land and to enjoy the same rights as those enjoyed in France?—I do not see any objection to do so. I think very few foreigners would come over to buy land; but those who have acquired property here might wish to have a holding in England, to establish their children in any one of the branches of industry in which they themselves have been engaged.

393. Do you understand that the expense of becoming denizens in this country,

*John M'Gregor,*  
Esq.

27 March 1843.

John M<sup>c</sup>Gregor,  
Esq.

27 March 1843.

country, which is about 28*l.*, deters foreigners who have been engaged in trade from taking out letters of denization?—I have always understood that the expense was greater than that.

394. Mr. *Cripps.*] Do you think that persons who have gained money here would go abroad, and spend their money abroad, rather than obtain naturalization; do you think the expense of 100*l.* for an Act of Parliament has prevented any person settling in this country under those circumstances?—Yes, I know that operated at the time I allude to; about 15 years ago a Swiss gentleman said to me, that Mr. Maubert's Bill had cost him in various ways, I think, nearly 1,500*l.*; probably the sum was exaggerated.

395. *Chairman.*] Is there not another cause which would perhaps induce a foreigner to leave the country after he had obtained property, that he is incapacitated from attaining the civil rights and privileges of a subject of the country, which would not occur to him in other countries?—That may be the case; I think so.

396. Mr. *Cripps.*] Do you know the expense of obtaining the *grande naturalisation* in France?—Nothing, if for services. The *grande naturalité* costs 100 francs (4*l.*), and the common per-centage for registry; I believe that the very impression entertained in foreign countries with regard to the difficulty of naturalization in this country is itself an evil.

397. Mr. *Ewart.*] To induce foreigners to remain here, what alteration would you propose?—I think the same facilities should be extended to them which are given in France; in the first place there would be only a very few foreigners who had acquired property who would settle here; they would not come here, in the first instance, except for the purposes of trade, or for employment as artisans; no common labourers would come.

398. Lord *Harry Vane.*] Would you give them political rights?—I should give them political rights, certainly; I do not apprehend any extreme circumstances can arise in which foreigners, amidst so great a population as ours, could do us injury. I should go as far as the United States have gone in giving civil rights.

399. Mr. *Ewart.*] What is the state of the law in the United States?—The general law in the United States is a residence of three years; but under the different States' governments many of the States confer political rights on all white inhabitants who have resided six months within the State.

400. Lord *Harry Vane.*] Have they full political rights?—Yes, with the exception of their not being eligible to the Presidentship or Vice-Presidentship. I know a senator who was formerly a barrister in London, who enjoys all those rights with the property he became possessed of with his wife.

401. Mr. *Ewart.*] Immigration from all countries in Europe is extended to America?—Yes.

402. If those facilities did injury to a country, America would have suffered more than any other country, instead of becoming (as it has become) one of the most prosperous of countries?—Certainly.

403. Mr. *Cripps.*] You say that without reference to the size of the country or its population?—I consider the prosperity of the United States of America as entirely arising from its liberal policy in this respect, and I consider the want of prosperity of another portion of the western world as entirely owing to the want of it. Mexico, naturally rich, not only does not allow any foreigner to become a citizen of Mexico, but that Republic expelled those who were formerly subjects of the Crown of Spain, if they had been born in Spain.

404. Mr. *Ewart.*] In those countries they retain the old Spanish institutions?—Yes, especially in regard to the church and the non-toleration of any but the Catholic religion.

405. Is not Paraguay, under Doctor Francia, which retains the old Spanish policy, a very poor and very thinly-peopled country indeed?—It is a thinly-peopled country, but not very poor. In point of commerce, it has very little exterior commerce; the most liberal of the South American States is Chili, and that is the most prosperous; the others, notwithstanding having declared themselves republics, have to a very great extent retained the old policy with regard to citizenship and the commercial restrictions of Spain.

406. *Chairman.*] The question whether a large immigration of foreigners into any country would be advantageous or disadvantageous to that country, must depend upon the condition of that country, and the degree in which their talent and enterprize can be rendered useful to that country?—Yes, if you  
introduce

John M<sup>r</sup> Gregor,  
Esq.

27 March 1843.

introduce a large body of people into a country without that country being in a condition to receive them, you introduce those people to where they can find no employment; on the contrary, if you introduce a large number of people by immigration into a country like America, where they can spread themselves and get employment, where the country is prepared for them, you undoubtedly better their condition.

407. Mr. *Ewart*.] You do not think, as a Member of Parliament said in the time of William the 3d, that giving these facilities would tend to the extermination of the English race?—No, I should think that if that were the case, the English race would have been exterminated long ago. I do not believe that the immigration of the Saxons has contributed to the extermination of the original races; I believe they amalgamated and improved both races.

408. *Chairman*.] You think if a relaxation of our laws with regard to foreigners were to introduce a very large number of foreigners into the kingdom of Ireland, it would be, probably, very disadvantageous to Ireland, a country where capital appears rather insufficient than the opposite?—I do not think you could introduce foreigners at all into Ireland, except by some forced measure, unless they were foreigners of some capital, for a poor foreigner would never go there to compete for employment, considering the present state of labour in Ireland. I believe if things were left to their natural course, immigration would be attended with no evil.

409. Lord *Harry Vane*.] You do not think that there are any political reasons which would make it disadvantageous to introduce foreigners into Ireland?—I do not think there are such political reasons. If I were to extend it to political rights, it must be under very extraordinary circumstances that foreigners could be injurious to us. You may suppose such an extreme case as that of some rich foreign potentate giving large sums to induce his subjects to settle here in order to exercise political rights which might be rendered injurious to this country; but I do not think that all the potentates in Europe could by that means exert a political influence which would be dangerous, or productive of injury to this country.

410. *Chairman*.] Would the relaxation of our laws with regard to aliens have a tendency to introduce into this country, or into Ireland, a very large proportion of foreign labourers?—No, I think very few labourers would come; I think ingenious artisans would come from the Continent.

411. What do you think would induce ingenious artisans to come to this country?—That if they have made money in this country, easy naturalization, including political rights, would hold out to them the hope of investing it in land, or securing their children in this country in the branches of trade they themselves might have followed, or in any other profitable occupation; and by giving them perhaps the hopes of distinction afterwards, on becoming British subjects, and exercising political rights as such.

412. If a foreigner is possessed of a secret which is generally known in France, it would be profitable to him to come and set up here, if his secret was not known in this country?—Yes, I should think so; but he is not now prevented from exercising it, or securing his patent in this country; but I put the objection chiefly on the unpleasant ground of the restriction as to permanent settlement.

413. Lord *Harry Vane*.] You think many foreigners are deterred by the alien laws from coming into this country?—Yes; not the labouring classes, but men of a more adventurous spirit.

414. Mr. *Ewart*.] Cannot the labouring classes come now?—Yes, there is nothing to deter them.

415. *Chairman*.] The persons whom the relaxation of our laws would induce to come here, are the persons to whom the advantages of society, civil and political, would be an object?—Yes; for example, one of the greatest difficulties in connexion with a foreigner being engaged in business in this country is that he cannot even become the possessor of a share of a ship in this country.

416. That is under the 6th of William the 4th, is it not; the owner is obliged to swear that he is a British subject?—Under the Navigation and Registry Acts of the 3d & 4th Will. 4, cap. 54 & 55.

417. Have you ever known that restriction acting injuriously?—Very injuriously indeed.

418. If a man happens to be in partnership with a British subject he cannot become part owner of a ship?—There are foreign merchants in this country, who

John M'Gregor,  
Esq.

27 March 1843.

instead of becoming proprietors of British ships, which they would have done, have invested their money in ships built at Archangel, Dantzic, and Rotterdam; and there are several foreign-built vessels in the Neapolitan trade, similarly owned by British and Sicilian subjects.

419. Lord *Harry Vane*.] You do not conceive that there would be any disadvantage in allowing foreigners to become partners and furnish money for ships?—No; before they could invest money in those ships they must be British ships, and the money they would invest in those ships has probably been acquired in England and invested in the ships of other countries, which compete with our own ships; the disadvantage is, therefore, very much against us; it sends British-acquired capital to support foreign shipping. I am old enough to recollect the very great disadvantage we laboured under in the late war, so that we were obliged to relax the Navigation Laws in regard to manning our ships with foreign seamen. Under the laws of other countries, especially the United States, they invited foreign sailors, and were enabled by that means to navigate their ships with greater advantage than we were.

420. Are you aware that foreign sailors in English ships become naturalized in time of war by service of a certain period?—Yes; but during peace the Navigation Act prevents their being employed.

421. Lord *A. Hervey*.] What rights did they acquire by sailing in a British ship two years during the war?—A man serving, during war, on board a British ship afterwards became in effect a British sailor, if he chose to remain so.

422. Mr. *Ewart*.] In any measure which might be introduced to give facilities, would you recommend the introduction of a clause removing the restriction on a foreigner holding British vessels?—Yes; I certainly think so. I think the advantage to ourselves would be so great, by extending the privilege of ownership to foreigners settled in England, that instead of being injurious to us, and advantageous to foreign States, it would act in the contrary way: for the navigation of foreign ships is less expensive for many reasons; our restrictions of various kinds being among the number.

423. Mr. *Darby*.] You think it would be of advantage to produce such competition with the present number of sailors, that foreign sailors should be employed, with the chance of throwing our own sailors out of employment?—I do not believe that would be the case, but that the British ships now idle would be employed, and that that would draw away sailors from navigating the foreign ships which are now employed in competition with ours. I think that our navigation would be much more extensive than it is if we employed foreign sailors, and that all our own would be employed at the same time.

424. Are you to be understood, as the general tenor of your evidence, that the difficulties which arise from the alien law, which you conceive prevent aliens, artisans, or others coming here, is the difficulty after their having been engaged here of obtaining civil rights?—I do not know whether the payments being so high prevents them altogether from obtaining those rights. But aliens, even artisans, who do not look for naturalization, labour under difficulties; they are obliged to present themselves once a year at the Alien Office, and that which I stated as to foreign sailors is exceedingly injurious to the commerce of the country. Foreign sailors, in so far as they are employed, either on board an American, or a Dutch, or Swedish or Danish ship, enable those ships to come into competition with ours in the carrying the trade of the whole world.

425. Lord *Harry Vane*.] Do you not think that we should be likely to suffer, in one respect, that those foreigners who were so employed in our ships, would not feel the same attachment in time of war to this country when engaged in a contest with the countries from which they had come?—I think not; we tried the experiment to a very great extent during the last war, and we found that the Dutch and Danish sailors (even when we were compelled to be engaged in a war with those countries) were the very best seamen we had. There was this very singular fact, that when our own sailors ran away on the coast of America, those foreign sailors, I believe, never did.

426. Mr. *Cripps*.] Have we any difficulty in manning our merchantmen in the present state of the country?—Yes, we have frequently; so much so, that in the last 10 months we were obliged to relax our Navigation Laws, so far as to man British ships with Lascars, on voyages from London to India.

427. Was that because we had not English sailors enough for the demand for the shipping?—We had not English sailors enough, or the wages paid to them were

were such that all the shipowners complained to us, that scarcity of sailors and high wages were the chief causes of their not being able to sail their ships so well as the foreigners; that, with regard to the wages which our sailors receive, there was, over and above, their food, which cost more; their being maintained on board the ship, and well maintained, would lead one to the conclusion that the wages of seamen might, to a certain extent, be more moderate, but that such was not the case; that the wages of a British sailor were one-third higher than those of any other country, except the United States of America.

428. Mr. *Darby*.] Then the operation would be to lower the wages of the English sailor, but not to increase the trade of this country, or the number of English sailors employed, superseding them by the mere fact of the introduction of foreign sailors?—The navigation of this country must be practically increased in proportion to the number of seamen employed in it; and if you have 300 seamen employed in the place of 200, you add  $33\frac{1}{2}$  per cent. to the actual navigation or carrying trade of the country.

429. Mr. *Cripps*.] How do you account for the high wages of British sailors?—My belief is, that the number of British sailors is not at the present moment equal to the actual demands both of the Royal Navy and of the Mercantile Navy, otherwise we should not have the difficulty we have in getting men.

430. Lord *Harry Vane*.] Is it not the fact that the foreign sailors, many of whom were in the employment of this country during the war, receive in their own country extremely low wages?—That is one of the causes.

431. They live on a very poor description of food?—Comparatively with that of British or American sailors; but the Austrian, Genoese, and French sailors are now well fed.

432. Mr. *Cripps*.] Would not that circumstance be likely to bring artificers into this country, who were able to earn a little more in this country, and who, by a very inferior habit of living, would compete disadvantageously with the artificers trained in England?—I think no danger whatever can be apprehended from that; if they brought their ingenuity and labour to this country, it would be displacing so much of the manufacturing products of their country in the foreign markets, which would enable us to procure to the same extent a market for the excess of our production.

433. You never heard, probably, that in popular cities, such as Bristol and Liverpool, and London also, a complaint is made very much by many of the shopkeepers, that foreign shopkeepers come and settle in those large towns, with what they would call dirty and inferior habits of living, and are thereby able to undersell the English trader?—No, I have never heard that; it may be the case. Complaints of various kinds have been made; there is hardly a single branch of industry or of commerce, from which I do not hear of complaints. When we made the many changes in the tariff last year, we gave a protection of 15 *l.* to our whale oils, and recently we have been told, if we do not want more protection on that article, you must raise the duty this Session on another article. We asked them what protection they required, and they say, we wish you to impose a duty of 15 *l.* on the oil extracted from ground-nuts from Africa, as we find that oil will soon interfere more seriously with our sperm oil than any other of the oils imported; we must have a protection against this oil.

434. *Chairman*.] A foreigner coming from any part of the world to settle in this country, must always be exposed to considerable disadvantage in consequence of his not being conversant with the language, being ignorant of the laws, and without social connexions?—I have always so understood; with the exception of the Germans engaged in the sugar-refineries, who soon accommodate themselves to the circumstances of the country. I have always understood that other foreigners find it very difficult to reconcile themselves to our habits and modes of living.

435. Mr. *Aglionby*.] Are you to be understood, that one reason which prevents foreigners and strangers settling in this country is, that they cannot purchase or hold lands?—I have understood that to be the case in respect to foreign capitalists.

436. Assuming that the price of obtaining an Act of Naturalization, which would enable them to hold land, is only 100 *l.*, do you still think that would be a very great bar to foreigners settling here?—A number of foreigners have settled here under those circumstances, but if they can get an Act of Naturalization which enables them to hold land still they do not get an Act of Naturalization entitling them to all the privileges which they would have in France.

John M. Gregor,  
Esq.

27 March 1843.

437. Lord *Harry Vane*.] You mean the *grande lettre* of naturalization?—Yes; the *grande naturalité*.

438. Mr. *Aglionby*.] You would not be satisfied with merely enabling them to obtain at a less cost the advantages they now can obtain?—No; I do not believe the mere acquisition of that right would give them the interest in the country they should obtain. I believe the possession of land would be considered very valueless by most thinking foreigners, unless they enjoyed the political rights which those lands would give to British subjects.

439. Will you have the goodness to state what is the law in the United States of America as to aliens?—In the United States of America, any man who becomes naturalized acquires not only a title to land, but every other political right which a citizen of the United States possesses, with the two single exceptions of succeeding to the Presidency and the Vice-Presidency.

440. Were there not during the war many natural British-born subjects resident there, some taking part in the revolt, and some being what were called Royalists, preferring to adhere to the English authority?—There were.

441. By the Treaty of Independence, was there not liberty given to all those within a certain time to adopt either the one country or the other, and after that to become a subject of that country?—As far as I recollect, there was; there was no vexatious scrutiny afterwards.

442. Supposing a natural-born subject of Great Britain had at that period adopted America as his country, thrown off his allegiance to this country, and taken the oath of allegiance to the United States, and holding property there, would he not be an alien to this country?—Certainly.

443. Of course he can take no property in this country?—No, not landed property.

444. Would you not guard in any law against the possibility of such a person coming over here, and under an Act of Naturalization, in any manner disturbing the titles of those persons who had acquired titles to land in consequence of his having become an alien?—I would leave such a foreigner in precisely the same situation in which any other foreigner who was naturalized was placed immediately that he became naturalized; that is, his rights should date from the time of his naturalization.

445. Have you ever seen an Act of Naturalization?—Yes, frequently.

446. Are you not aware that it is prospective, and not retrospective?—Yes, always, I think; you might make such provisions in a new law as to leave all titles to property perfectly safe in this country; I do not think you need at all interfere with the security of titles.

447. Mr. *Darby*.] Supposing *A*. entitled to property as the law now stands, and you naturalized *B*., *B*. would be the heir instead of *A*.; would you, by that Act, deprive *A*. of the property?—Certainly not, if at the date of the possession of the property *A*. became possessed of it by the existing law of the land; my opinion is, that *A*. should not be deprived of it by any subsequent alteration of the law.

448. Mr. *Ewart*.] You are understood to say that in the whole of the United States of America a person could hold real property without any naturalization?—Yes, I think so; there may be some exceptions in the laws of some States.

449. Is that the case in the State of Maine?—Yes; I have known property purchased by British subjects in the State of Maine; there may be some little forms with regard to registry and so on, which I am not aware of. The Baring family now, as British subjects, possess, or lately possessed, a great deal of land property in Maine.

450. Mr. Serjeant *Stock*.] How is the law in that respect in Canada?—It is precisely the same as it is in England.

451. With respect to the acquisition of property by citizens going from the United States?—In Canada we have afforded every facility that the law allowed as to naturalization.

452. How are they naturalized?—Very much as they are here, simply by an Act of Legislative Assembly, but very little delay need take place, and scarcely any expense. There was a man of the name of Wright who came to Canada some years before the period that I was there; he went up the Ottawa with a friend or two as associates. He was a very enterprising man, with a stock and some capital; he stated that there was no room for him in the New England States, where he was a citizen. He had a very large family; the British Government

gave

gave him as a leader, and his associates, a large grant of land on the Ottawa, and he did more for the improvement of that part of Canada than any one who has ever gone there.

453. He was naturalized?—Yes; I forget in what manner. I recollect some one put a question to him (when Sir James Kempt was Governor-general), whether he would be a loyal British subject after having been born and bred a citizen of the United States and acquired property for himself and his family in Massachusetts, the reply he made was, "Do you not think I shall be loyal to Hull?" which was the name of his settlement and township on the Ottawa.

454. Mr. *Aglionby*.] You are understood to say that a British-born subject going to America after the Peace, and holding property there, marrying in America, and having children there, which children have grown up, and never come to this country, the whole of those children are aliens; is that correct?—Yes; the children can claim no right whatever here, if their father was naturalized; they are born in the United States, as the children of an American citizen, and are registered as United States citizens.

455. Lord *Harry Vane*.] Are they deprived of their rights as English subjects if they choose to come to this country?—When I was in British America during the administration of the Duke of Richmond, and of Earl Dalhousie, we inquired into the question of the registry of the birth or baptism; they would not, in America, register them as the children of British-born subjects; every act, religious or otherwise, put them down as the children of American citizens. It may be quite contrary to the law of any other country, but in most other countries where there is a chaplain belonging to the embassy, or some chaplain who registers the child's birth, it might be otherwise. In the United States the very act by which in our law we could recognise a marriage or a baptism, is an American act, declaring that the child is the child of an American citizen, and there is no record whatever, as far as I know, of the English origin of the parent.

456. Suppose the father gives information to the English commissioner in America, that a child has been born at such a time, and requires an extract, and that is preserved, and a copy of the extract itself afterwards transmitted to England, would not that certify the right of that person to be English?—Yes; if you have a British commissioner to certify that this child is that of a British subject; but he has become an American citizen; he dare not for a moment say that he is not American. If a British subject goes to the United States of America, and if he is married to the daughter of an American citizen, and has children born there, his children are entitled to all the rights and privileges of a British subject, even though his children may hold property there. On the contrary, if he, a British subject, becomes a citizen of the United States, then his children are aliens.

457. If he does any act by which he becomes naturalized in America, his children would be aliens, but not otherwise?—Yes.

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*Mercurii, 29° die Martii, 1843.*

MEMBERS PRESENT.

Sir Edward Colebrooke.  
Mr. Cripps.  
Mr. Darby.  
Mr. Ewart.  
Lord A. Hervey.

Mr. Hutt.  
Viscount Mahon.  
Mr. Serjeant Stock.  
Lord Harry Vane.

WILLIAM HUTT, Esq. IN THE CHAIR.

*Samuel March Phillipps*, Esquire, called in; and Examined.

458. *Chairman*.] YOU are Under Secretary of State for the Home Department?—I am.

459. You have been in that office several years?—Yes; between 15 and 16.

460. Are you acquainted with the proceedings which are adopted in that office with regard to parties applying to the House of Lords for Acts of Naturalization?—Yes; the only business which the Secretary of State has to do

*John McGregor,*  
Esq.

27 March 1843.

*S. M. Phillipps,*  
Esq.

29 March 1843.

S. M. Phillipp,  
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29 March 1843.

with respect to Bills of Naturalization, is to give a certificate of good character before the second reading; that is in conformity with an order of the House of Lords.

461. To whom is that certificate transmitted?—It is given to the agent of the party who is interested in the Bill in the House of Lords.

462. What is the nature of the certificate given by the Secretary of State?—When an application is made to the Secretary of State by the party interested in the Bill, for a certificate of character, he sends, for the purpose of satisfying the Secretary of State in giving the certificate, the recommendations of individuals with respect to his character, and if the Secretary of State is satisfied upon such recommendations that he is a person of good repute, he always, as a matter of course, gives the certificate, which is delivered to the agent of the party, who delivers it in to the House of Lords before the second reading; that is in conformity with a Standing Order of the House of Lords made in the year 1807. This (*producing it*) is a copy of the Order.

[*The same was read, as follows:*]

“*Die Veneris, 2<sup>o</sup> Januarii 1807.*”

“*Ordered, By the Lords Spiritual and Temporal in Parliament assembled, That no Bill for naturalizing any person born in any foreign territory shall be read a second time, unless the petitioner shall produce a certificate from one of His Majesty’s Principal Secretaries of State respecting his conduct.*”

“*Ordered, That the said Order be declared a Standing Order.*”

463. What is the nature of the information which the Secretary of State obtains respecting the conduct of the petitioner?—A statement signed by individuals, who say that they know the person, and that they believe him to be a man of respectable character and good conduct.

464. Nothing more in detail than that?—No.

465. Viscount *Mahon*.] How many signatures are required by the Secretary of State?—There is no particular number; if the recommendation were by a single individual, and the Secretary of State knows him to be a gentleman of character on whom he can rely, he would be satisfied with it.

466. Has there been any instance within your knowledge of a certificate being refused?—No, I have not known an instance of its being refused. Sometimes an application for a certificate has been made by a party who did not know it was necessary to produce recommendations as to character, and he has been informed that without recommendations the certificate cannot be granted. This is a copy of a certificate given by the Secretary of State (*producing the same*).

[*The same was read, as follows:*]

“This is to certify that \_\_\_\_\_ son of \_\_\_\_\_ by \_\_\_\_\_ his wife,  
born at \_\_\_\_\_ in the kingdom of \_\_\_\_\_ has produced to me satisfactory  
proof that he is a person well affected to Her Majesty’s Royal Person and Government, and  
of orderly life and conduct.”

“Given at Whitehall, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ .  
“(signed) \_\_\_\_\_ — (L. s.)”

467. *Chairman*.] Does the Secretary of State institute any other inquiry into the character of the party?—No; I have not known an instance of it.

468. Are you acquainted with the process of Parliament with regard to Naturalization Acts?—I am not.

469. Mr. Serjeant *Stock*.] Is the same form required in the case of ladies applying for naturalization?—Yes, precisely the same. I may state generally, that if the Secretary of State were himself well acquainted with the party applying, he would probably have no difficulty, even without the recommendation of other persons, in writing the usual letter that he believes him to be a person of good conduct.

470. During the war there was an occasional difficulty created at the Home Office, was there not?—I think very likely; I believe the rule was more strict.

471. Mr. *Darby*.] The state of the law was different at that time, was not it?—It was. I believe the form used to be for the Secretary of State to give an opinion as to the person being fit and proper to be naturalized; but that has ceased to be the practice for a long time.

472. *Chairman*.] Can you inform the Committee what number of applications are made of this description?—About eight persons annually, on the average, apply for the certificate.



473. You are not aware, perhaps, whether parties, after making application to the Home Office for a certificate, abandon the Bill in the course of its proceeding?—I am not.

474. Mr. Serjeant *Stock*.] Can you state what class of persons most usually apply for Bills of Naturalization; are they in the middle class of life?—They are persons of various classes, who adopt this country as their own, intending to reside here; some perhaps connected by marriage with individuals in the country, some for purposes of business, and others who are not in business.

475. Viscount *Mahon*.] Is there any fee connected with the granting this certificate?—No, none.

476. Mr. Serjeant *Stock*.] What is the expense to the applicant, as far as the Home Office is concerned?—None at all, for naturalization.

477. *Chairman*.] The party petitioning does not appear personally before the Secretary of State?—No, the business is done through his agent.

478. Have the goodness to inform the Committee what course is adopted by parties applying at the Home Office for letters of denization?—The party who wishes to obtain letters of denization applies to the Secretary of State, stating the ground upon which he wishes to have the letters granted, and if he shows any inconvenience, any probable loss, or any detriment which he suffers in consequence of his not being a denizen, the Secretary of State would recommend letters of denization to be granted. Something of that sort is thought to be necessary, as a ground for the grant. It would be enough for him to show, that he is about to purchase property, or to take a lease of a house, or purchase part of a ship. There are various other cases: if a foreigner were to come here and marry an English woman, and a settlement of property should be intended, that would be a good ground; or if a foreigner has been living in the country a long time, and marries and has a family here, and wishes to have letters of denization granted, in that case the Secretary of State would recommend the grant.

479. Do parties ever apply for letters of denization in consequence of their having purchased lands, or exercised rights which would not be allowed them as aliens?—Frequently foreigners have purchased property or taken a lease of a house, not knowing that the law subjects them to forfeiture. Those are cases in which frequent applications have been made, and of course immediately granted.

480. Are forfeitures ever made?—I have not known any instance of forfeiture enforced. It could only be through office found, and of course there would be an application to the Treasury, and probably the forfeiture would be remitted. I have not known of any actual forfeiture under such circumstances.

481. Viscount *Mahon*.] If it were, it would pass through the Treasury, and not through the Home Office?—Yes, forfeiture being matter of revenue.

482. *Chairman*.] Are applications frequently made to the Home Office for letters of denization?—About 25 apply in the course of a year: there are not so many letters of denization, because several are included in one grant.

483. Mr. *Darby*.] Are you, from other sources of information, aware of any case of forfeiture in consequence of a person having taken a lease or purchased land who was not a denizen?—No, I am not.

484. *Chairman*.] You mentioned that several names are included in the same letters?—Yes.

485. What is the object of that?—To save expense; the expense altogether, if a single person is denized, would be about 120 *l*. The course of business is this: after the application has been made, if the Secretary of State should recommend the grant of letters, which is by patent, a warrant under the Sign Manual issues to the Attorney and Solicitor-general, for them to draw what is called a Bill; that Bill is signed by the Queen; it is called "The Queen's Bill," and issues from the Home Office; it is delivered to the agent of the party, who takes it to the Signet Office, where there is a fee paid; then to the Privy Seal Office, where there is another fee paid; and then to the Patent Office, where there are fees and a heavy stamp; then the letters of denization are complete.

486. Mr. *Cripps*.] Do you remember the amount of the stamp?—I think it is 30 *l*. The expense, as I said before, of one person being denized would be about 120 *l*.; if many are put together, it is of course less, as they share the expense.

S. M. Phillipp,  
Esq.

29 March 1843.

487. *Chairman.*] Is it the universal practice to include a number of names in the same letter?—It is usual; the agent generally waits till there are many to be joined. If after a certain time, only four or five have applied, and the parties wish to have the letters of denization without further delay, the business would proceed.

488. *Viscount Mahon.*] There need be no connexion between the persons so included?—No; they are, most probably, strangers to each other; it is merely for their own convenience that they wait.

489. *Chairman.*] Probably they are often the natives of different countries?—Yes.

490. *Mr. Darby.*] A person naturalized has greater rights than a denizen; do you know why any persons apply to be denizens in preference to obtaining an Act of Naturalization?—I do not know exactly what the expense of a Bill of Naturalization is; a Naturalization Act is certainly a better thing, and is got, I believe, as a matter of course on the proper certificate.

491. *Mr. Serjeant Stock.*] It appears that persons must be frequently delayed considerably by the necessity of waiting for a number of applications conjointly for a letter of denization?—That frequently happens.

492. That must operate inconveniently?—Certainly.

493. *Mr. Cripps.*] If they waited for four or five, they would have to wait for three or four or five months probably?—Very likely.

494. *Chairman.*] Do you ever refuse granting letters of denization?—There have been cases in which the Secretary of State has not thought there was sufficient reason; the mere asking without any ground would not be thought sufficient, according to the practice of the office; but if the party shows that he would suffer inconvenience from the want of letters of denization, that would be sufficient.

495. *Mr. Serjeant Stock.*] If the stamp duty were taken off, and a person might at a small expense obtain the privilege of denization, do you think a more numerous class of persons would apply at the Home Office?—I have no doubt of it.

496. *Viscount Mahon.*] Do you ever make any inquiry whether the grounds alleged for a letter of denization are well founded, or do you take it upon the statement of the parties?—Not entirely on the statement of the parties; it is always necessary to have an accompanying certificate—which used to be on oath, but now it is a declaration—that the statement is true.

497. How long have you dispensed with the oath?—It was when the Act of Parliament passed dispensing with official oaths; the party certifying formerly used to make an affidavit that he believed the contents of the statement to be true.

498. *Mr. Darby.*] Denizens are obliged to take the same oaths as in the case of naturalization, are they not?—I believe not; the letters of denization, which are by patent, confer all the rights and privileges absolutely, and I apprehend it is not necessary there should be an oath taken to complete the grant.

499. *Viscount Mahon.*] Is it possible for a person to obtain letters of denizenship while he still continues a citizen of another state; for example, a citizen of Geneva?—Undoubtedly; his citizenship in another state makes no difficulty.

500. *Mr. Serjeant Stock.*] You consider that he does not, by accepting denizenship here, shake off his allegiance to another country?—I conceive he does not.

501. *Mr. Darby.*] In the case of naturalization, they have to take the oath of allegiance?—Yes.

502. Their allegiance remains to their former country in that case?—Yes.

503. *Viscount Mahon.*] Then in both cases it is possible for an individual to remain a citizen of a foreign state?—Certainly; he would not be released from his allegiance to any foreign country to which he belongs; a Naturalization Act, or letters of denization cannot (as I conceive) interfere with his duties to his own country.

504. *Mr. Cripps.*] Are you aware of the expense of letters of denization to each individual, supposing there are five?—I do not exactly know; there is no restricted number; but if there were so many as 10 or 12, perhaps it might be necessary to have an additional sheet of parchment.

505. Does one stamp cover either one or twelve?—There is only one stamp for

for a sheet; there would be an additional stamp duty if there was another sheet.

S. M. Phillippis,  
Esq.

29 March 1843.

506. That is all the difference of expense of which you are aware?—Yes.

507. *Chairman.*] Have you any Return to lay before the Committee?—There was a Return made to the House of Commons of the fees and expenses in the Secretary of State's Office on letters patent of denization (*producing the same*).

[*The same was read, as follows:*]

A RETURN of all FEES and EXPENSES charged upon Letters Patent of DENIZATION; also stating the Number of NAMES usually included in one Patent, so far as the same relates to the Office of Her Majesty's Principal Secretary of State for the Home Department.

Prepared in pursuance of an Address of the Honourable The House of Commons, dated 28th February 1839.

	£.	s.	d.
For reference on petition presented to the Crown - - - - -	2	2	6
For warrant under the Sign Manual to prepare the Queen's Bill - - - - -	7	13	6
For the Sign Manual to the Queen's Bill, if one skin - - - - -	7	13	6
For every additional skin - - - - -	6	7	6
For every name beyond the first - - - - -	2	15	-

Where a Patent contains more than one Name:

For an engrossed copy on parchment of the Letters Patent duly certified, for each party - - - - -	2	2	-
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*N.B.* The above are exclusive of the charges of any solicitor or patent agent who may be employed by the parties to solicit and pass their patents under the Great Seal.

It has been the practice (with only one exception, so long ago as the year 1795) to limit the number of persons included in one patent to seven. There are no means of ascertaining why the number has been so limited, but there does not appear to be any objection to the introduction of any greater number.

Whitehall, 26 March 1839.

S. M. Phillippis.

508. Mr. Serjeant *Stock.*] Have you any means of ascertaining the localities from which the majority of those applications proceed, whether from London or from the country?—No; they are likely to come chiefly from the large trading towns.

509. *Chairman.*] Do the letters patent state the residence of the party?—They do, I believe.

510. Mr. Serjeant *Stock.*] Have you an opportunity of knowing how far the prohibition on foreigners operates on commercial pursuits; are not there a number of respectable foreigners connected with commercial houses at Liverpool and Manchester, and so on?—Certainly, many.

511. To that class of persons it might be peculiarly convenient to have a way open for their admission?—Certainly.

512. In this city there must be a great number of foreigners in trade who might be desirous to avail themselves of the opportunity if there were facility?—Undoubtedly. I do not see why it should not be as easy to obtain letters of denization as a Naturalization Act; a Naturalization Act may be obtained, though the party does not wish to purchase property.

513. Lord *Harry Vane.*] Do you see any objection to abolishing denization altogether, and establishing naturalization in its place?—It is sometimes more easy to obtain letters of denization than an Act of Parliament. Acts of Parliament can be obtained only during the sitting of Parliament; letters of denization may be obtained at any time. There might be some inconvenience, therefore, if letters of denization were abolished.

514. Mr. *Cripps.*] A party need not apply personally for letters of denization?—He need not.

515. A person at Manchester could get letters of denization without coming to London?—Yes. With referenee to a former question, I think it might be very inconvenient to put an end altogether to denization, in whatever form it is to be granted, whether by letters or Order in Council.

516. Lord *Harry Vane.*] In what way do you conceive it might be inconvenient to put an end to denization?—I should suppose many persons might not wish to obtain an Act of Naturalization, but would be satisfied with denization, and perhaps might prefer it, as giving them all the rights which they desire.

S. M. Phillipps,  
Esq.

29 March 1843.

517. Do you see any objection to permitting any person residing in this country to purchase and hold land in this country, without letters of denization or naturalization, and to sue in courts of law, in virtue of the possession of that property, not being entitled to hold office?—If the party resides in the country, and wishes to purchase property in the country, I do not see any objection to his being at liberty to purchase property; he would be subject to all the obligations of an Englishman.

518. Mr. *Cripps*.] In all the Naturalization Acts there is an exemption to the Crown granting lands to naturalized foreigners; do you see any objection to that being repealed?—No, I see no objection at all.

519. Have you considered that with relation to our laws of succession? If the Queen marries a foreigner, as has been done in the present reign, the foreign Prince is made Regent in case of her demise; do you see any objection in a political view to the foreign Regent being enabled to grant Crown lands to foreigners?—In the form in which the question is stated, there might be objections to a grant from a Regent, a foreigner, to foreigners not resident in this country.

520. Suppose he chose to reside in this country?—I see no objection to a foreigner who resides in this country taking a grant of lands from a Regent, (the grant being supposed to be legal).

521. Do not you apprehend that might again become the source of as much popular jealousy as it was in the reign of William the Third, and at other times, putting persons of foreign birth and habits about the Court?—I should think there would not be now the same jealousy.

522. Mr. *Darby*.] You stated that you did not see any objection to a foreigner, without any rights given him, either by denization or naturalization, being able to purchase lands if he was resident?—I see no objection to that.

523. Would you make a difference as to the necessity for residence as to a foreigner acquiring property by purchase and a natural-born subject?—I think, if a foreigner is allowed, under letters of denization, to purchase property here, it should be in a case of intended residence; I do not mean to say that he should be compelled to continue resident here as a condition of holding the property. But I think there is a difference between the case of a foreigner residing abroad and wishing to purchase land here, and the case of a foreigner who is resident in the country.

524. You would have an intent to reside at the time of the purchase?—Certainly, in the case of denization.

525. Viscount *Mahon*.] Until the Alien Act expired, were there not means under that Act of ascertaining the total number of foreigners resident in England?—Yes, because every foreigner was expected to appear at the Alien Office.

526. Since that time are there no other means?—No, there are not.

527. Would it be easy to obtain, as an approximation to the present number, the last official statement under the old Alien Act of the number resident in England?—No; I think the number of foreigners resident could not be obtained under the old system, nor under the present system.

528. There was an account kept of the number under the old system?—An annual account of aliens coming and going.

529. Would it be possible to obtain a statement of the number, as taken under the old Act?—No; I believe all those papers are destroyed.

530. In what office would they be if they are in existence?—In the Home Office.

531. Would there be any objection to the production of the papers if they are in existence?—Not the least.

532. Mr. *Darby*.] As the law stands now, every foreigner who comes into this country is obliged to register himself; one certificate is kept at the place of registry, and he gets the other half; do you know whether that system of registry is in point of fact acted on?—It is not, in many instances.

533. *Chairman*.] Have the goodness to state the regulations of the present law in respect to foreigners?—A foreigner is subject to a penalty, under the Act of 6 Will. 4, if he does not report himself on landing: it is not necessary for him to mention his residence. The words of the Act are, “Every alien who shall, after the commencement of this Act, arrive in any part of the United Kingdom from foreign parts, shall immediately after such arrival present and  
show

show to the chief officer of the customs at the port of debarkation, for his inspection, any passport which may be in his or her possession, and declare in writing to such chief officer, or verbally make to him a declaration, to be by him reduced into writing, of the day and place of his or her landing, and of his or her name, and shall also declare to what country he or she belongs and is subject, and the country and place from whence he or she shall then have come; which declaration shall be made in, or reduced into such form as shall be approved by one of his Majesty's Principal Secretaries of State; and if any such alien coming into this realm shall neglect or refuse to present or show any passport which may be in his or her possession, or if he or she shall neglect or refuse to make such declaration, he or she shall forfeit the sum of two pounds."

534. Mr. Serjeant *Stock*.] How to be recovered?—The Act does not say. If the master of the ship neglects to give to the custom-house officers a list of the foreigners on board, he is subject to a penalty of 20*l*.

535. Mr. *Darby*.] Does that repeal any statute?—Yes, it repeals the preceding Alien Act. Lord John Russell wished to make the restrictions as few and as light as possible on the admission of foreigners, and he could hardly attain the object in a better way; there has not been a single case in which the penalty has been enforced, and in some of the ports this Act may be considered a dead letter. In the port of Liverpool there is no return made of the number of foreigners arriving; they come into this kingdom and leave it just as if they were natural-born subjects; there is no list given by the masters there, nor any registration of foreigners. At Hull, in one year, there was only one registered, though there was a great number of arrivals. I have a return of the number of aliens reported to have arrived in this country by the masters and captains of vessels, in conformity with the 2d section of the Alien Act, 6 Will. 4, c. 11, and the number of those who have been registered conformably with the 3d section; the return is from the 1st January to the 31st December 1842. In the port of London the number of arrivals was 7,716, and the number of those who conformed 4,493. All the rest were unregistered. The master of the ship would tell the foreigners on board, they ought to register; but many might find out that they would not be compelled, and so would omit it; while others more regular, and not wishing to pass unknown, submit to the inconvenience of being registered.

536. Lord *Harry Vane*.] Do they pay any fee on registration?—No.

537. *Chairman*.] It appears that in London this Act is partially observed; in some of the ports, where a large number of foreigners annually arrive, in the country, it is scarcely enforced at all?—Just so.

538. Even with regard to London, it is the orderly persons who observe it, and those who are disorderly neglect it?—That is so. Those who come into the country and do not wish to be known, omit it, and no notice is taken.

539. Where is the registration to be made?—With the custom-house officer. The proportion at Dover who conform is very great; the number of arrivals being 1,277 in 1842, and the number who conformed 1,237.

540. Lord *Harry Vane*.] The penalty for non-registration, if carried into effect, would be 2*l*.?—Yes. At Hull 794 landed, and only one registered; at Southampton 1,197 landed, and not one registered. Thus they came in daily and left daily, and no inconvenience was felt; no complaint has ever been received in the office since the Bill passed, with respect to aliens coming or going, and not conforming. I find at Brighton 230 arrivals, and 204 conformed. I have understood that at Dover and at Brighton, under the old Act, there was a great deal of negligence; in consequence of this, the custom-house officers probably pressed the registering, and this induced them to conform. At Liverpool there is no list kept of those who have arrived, and no list of those who have conformed; the master has not made any return to the custom-house officers, and the foreigners who have arrived have not conformed in any one instance, but no inconvenience has arisen in consequence. There are some other ports, in which 206 have arrived and 149 have conformed. I have a list of those who have registered from the beginning of the Act to 1842; they have varied in different years. I see that about three-fourths of the foreigners who arrive in England land at the port of London, and not quite half conform.

[*The List was read, as follows:*]

S. M. Phillipps,  
Esq.

29 March 1843.

NUMBER of ALIENS who have Registered themselves on their Arrival in *England*, under the provisions of the Act 6 Will. 4, c. 11; passed 19th May 1836.

In 1836, from 1st July to 31st December	-	-	-	-	-	-	-	-	6,200
1837	-	-	-	-	-	-	-	-	11,568
1838	-	-	-	-	-	-	-	-	9,710
1839	-	-	-	-	-	-	-	-	8,754
1840	-	-	-	-	-	-	-	-	6,696
1841	-	-	-	-	-	-	-	-	5,840
1842	-	-	-	-	-	-	-	-	6,084

The number of aliens who arrived in 1842, was 11,600, consequently there were 5,516 who did not comply with the provisions of the Act.

*N.B.*—About three-fourths of the foreigners who arrive in England land at the port of London.

There are two alien clerks at the port of London and one at the port of Dover; at all the other ports the alien business is done by the officers of customs.

541. Are you generally acquainted with the laws of the country which relate to alienage and naturalization?—Yes.

542. Are you of opinion that they inflict an indirect hardship on parties who come under their operation?—I am of that opinion.

543. Can you illustrate your opinion by reference to any particular case or class of cases?—I should say, generally, the law respecting aliens might be relaxed. Their disability to hold real property, even after being long settled and domiciled here, is a hardship. There are some anomalies in the law which I think might be removed. The Committee is aware, that a foreigner, whose father or grandfather on the father's side was a natural-born subject, would be entitled himself to all the privileges of a natural-born subject; but if his mother was a natural-born subject, and his father born abroad, he would have no privileges; and if the mother should die possessed of the family estates, he could not take them. I do not see why there should not be the same rule of law in the case of a foreigner having a mother a natural-born subject, as in the case of one whose father was a natural-born subject.

544. Mr. Serjeant *Stock*.] Would it not be reasonable to adopt a principle of reciprocity in respect of these laws in our dealings with foreign nations; if France has a very liberal system, and England the reverse, is not that an anomaly in the state of the law?—I think it would be better to adopt a liberal policy.

545. Viscount *Mahon*.] If you consider that reciprocity to be desirable, how would you proceed in the case of France adopting the policy of admission and the United States of America or Russia pursuing the policy of restriction?—I think reciprocity should not be adopted as a principle for the purpose of *narrowing* the rule.

546. Supposing the policy of admission to prevail in France, and the policy of restriction in another country, would you have a different law for a Frenchman and a Russian in England?—It would be more convenient, I think, to have a general law.

547. Then it would follow that you cannot have a measure of reciprocity?—Certainly not, as a fixed principle. But the general policy should be liberal.

548. Mr. Serjeant *Stock*.] Would you think it rational that England should lag behind all foreigners in liberalizing her policy with respect to the admission of strangers?—I think it very desirable that England should have a liberal policy towards all countries, and that all countries should have a liberal policy towards England.

549. Are you aware what is the policy of Russia with regard to the admission of foreigners?—I am not.

550. *Chairman*.] You are of opinion that no evil would be likely to accrue from a considerable liberalization of our laws with regard to foreigners?—Certainly.

551. Are you not of opinion that it would be very desirable to reduce to one simple and current statute all our scattered laws with respect to alienage and naturalization?—I think that might be convenient. But there are not many Acts of Parliament relating to the law of denization and naturalization.

552. Mr. *Darby*.] Are you aware of the 11th & 12th of William the Third,  
and

and the 25th of George the Second, which affect very much the succession to property as respects the alien law?—Yes.

553. You stated that you thought a person coming to this country, and residing here, ought to be able to purchase property?—Yes.

554. Have you ever considered, with reference to that, whether you would enable him, either by will or otherwise, to give it to a person totally disconnected with this country; and whether that person could hold it here, living under another sovereign?—According to the present law, if he were to devise his property to a foreigner, the foreigner could not hold it.

555. If you propose that a person should be able to purchase land without being naturalized here, would you leave it as a restriction, then, that he should not be able to leave it, or his heirs to take it, under any circumstances whatever?—If a foreigner were to come into this country, and be allowed to purchase property, and have children born here, I think they should take it.

556. Suppose he dies without issue, his heir might be a person who was actually in the service of a foreign state at the time?—The question was, whether he should be allowed freely to purchase? The transmission of the property raises another question, Whether his son, who is a foreigner, should be allowed to inherit? Perhaps, there might be objections to that.

557. Lord *Harry Vane*.] Do not you suppose it would virtually do away with the benefit of the relaxation of the law, if a man who had purchased land might not devise it?—It would materially. I think he ought to be allowed to devise it to a foreigner.

558. Lord *A. Hervey*.] Supposing the devisee was a person actually in the service of a foreign sovereign, you would allow him to take under that will?—I see no objection to that. If the person were to come over to England, and to make a representation to the Secretary of State that property had been left to him in this country, but that he could not hold it without letters of denization, the Secretary of State would probably recommend a grant.

559. You would not allow the person to take as devisee, except through the system through which he must take at this moment?—I see no more inconvenience in the one case than in the other; if there is no inconvenience with the formality of letters of denization, there does not appear to me to be any inconvenience in his holding the property without that formality; going through a certain form, he may now take the property.

560. Lord *Harry Vane*.] Do you see any positive necessity for his going through that form in the case put?—As matter of opinion, I see not the least; I see no inconvenience which can arise to the State.

561. Mr. Serjeant *Stock*.] The extreme case is supposing he be an alien enemy; could there arise any political danger even in that case?—Not the least, in my opinion; the property would not be exempt from any duties or any taxes.

562. Lord *Harry Vane*.] Does not a similar case occur continually with an English subject as occurs with a foreign alien, that his son, though engaged in a foreign service, remains in possession of property in England?—It frequently occurs. There is an old Act of Parliament, that a foreigner in the service of this country for two years shall be naturalized; then he has all the rights of a naturalized subject. If that person should afterwards obtain property, he would be enabled to dispose of it, just as if he were born here.

563. Lord *A. Hervey*.] Do you mean that he would be entitled to sit in Parliament?—No, I apprehend not; there is a restriction on that by Act of Parliament; I mean that he would have all the common rights.

564. *Chairman*.] You state that you believe that a party obtaining the rights of naturalization by serving for two years in the English navy, during the war, would not be entitled to all the rights of a British subject; you do not speak with great confidence?—Whether he would have all rights whatever, including the right of sitting in Parliament, is a question on which lawyers might perhaps differ.

565. Mr. *Ewart*.] Have foreign Protestants ever been naturalized by a residence of seven years in the colonies?—I am not aware of that.

566. Foreign Protestants and Jews can be naturalized by seven years' residence in foreign colonies, not absenting themselves more than two months; have they ever availed themselves of that?—I cannot speak as to that.

S. M. Phillippis,  
Esq.

29 March 1843.

Mr. *Harvey Gem*, called in ; and Examined.

Mr. *Harvey Gem*. 567. *Chairman.*] YOU are a solicitor, residing in Lincoln's-Inn-Fields?—I am.  
 568. Have you had occasion to pay any attention to the operation of the laws affecting aliens and foreign-born persons?—I had occasion to consider them in the year 1839. I was solicited by a friend of mine to assist him in representing to the Legislature the hardship of the laws as exhibited in his particular case.

29 March 1843.

569. Have the goodness to state what the nature of his case was?—The gentleman is Mr. John Lewis Moilliett, a merchant and banker at Birmingham. He is a native of Geneva; he came to this country 57 years ago, at the age of 16; he married an English subject and has four children born in England, who are of course British subjects themselves, and have all married into families of station and opulence in this country. His eldest son is a magistrate for the county of Worcester. Mr. Moilliett has himself acquired a large fortune at Birmingham as a merchant.

570. What was the object of your representation to the Government?—It was to point out the hardship of the restrictions which are inserted in every Naturalization Act, of which the Committee of course are aware, preventing individuals holding offices under the Crown, or receiving grants from the Crown, and excluding them from Parliament. The points in which he particularly suffered were these: He was elected a governor of King Edward's Grammar School in Birmingham. There are from 12 to 20 governors of that school, who have the power of filling up vacancies in their own body. He was elected to fill a vacancy, and attended at the county sessions and qualified as a governor, but it was found that the school being a chartered school, under Royal Charter, he could not fill the office, and he therefore resigned.

571. He was set aside, being considered disqualified from holding any place of trust under the Crown?—Yes; I am not prepared to say that legally it is so, but it was considered sufficient that the law might be so construed, and his acts might have been invalid had he been elected.

572. Did Mr. Moilliett consider himself much aggrieved by the operation of that law?—Certainly; he would have much desired to be a governor of that school, which is a very important and rich school, and now a very useful school. He was afterwards named in the commission of the peace for the borough of Birmingham, but it was considered that he could not legally hold the office, and therefore he has never qualified and never acted; for that office he would certainly be ineligible in consequence of his disability.

573. Did he take any steps to relieve himself from those disqualifications?—He felt them very much; and he might also, from his station, have felt the hardship of not being eligible to a seat in Parliament. He has been resident in this country so many years as not only to have obtained fixed interests and attachments as to property and kindred, but to have formed his opinions and modes of thought by those of English people, and to be conversant with the political interests of this country. In answer to the question, I beg to say he was about to present a petition to Parliament, and solicited my assistance in doing so.

574. Mr. Moilliett considered it a grievance, that being established in this country and holding landed property, his family settled here, and himself intending to remain, he could not be included within the class of those who were eligible to Parliament?—Certainly, being to all intents and purposes, after his long residence, an Englishman.

575. Are you acquainted with any other case of a foreign person residing in this country having felt himself aggrieved by similar disqualifications?—No other has occurred to me.

576. Mr. Serjeant *Stock.*] In the case of Mr. Moilliett, do you conceive, from the character and qualifications of the individual, there would have been any mischief in admitting him to eligibility to sit in Parliament?—None whatever. He is a very intelligent man; he ranks high in the estimation of his town, and certainly would be named among those who might be elected to Parliament.

577. *Chairman.*] He has a large stake in this country?—He has large landed estates; he has a banking business, and a large business as a merchant.

578. And yet he could not be an exciseman?—No, certainly not.

579. Has he been naturalized by an Act of Naturalization?—Yes; he was naturalized soon after coming to this country; he attained all the privileges he could



could attain after a very brief residence in this country; and yet, after 57 years' residence, he can attain no further privileges.

Mr. Harvey Gem.

29 March 1843.

580. Have you paid some attention to the laws of other countries with relation to foreign-born persons?—Thinking it useful for the purpose of representing the hardship of this case, and showing the desirableness of some change in our naturalization law, I wrote to the ambassadors and consuls of different countries resident in London, to inquire into their laws, and how far the naturalization in those countries was a perfect naturalization. I received answers to many of those inquiries; and I can state the effect of them, if the Committee wish. I received a letter from Mr. Prevost, the Swiss consul, in which he states, “The Confederation consists of 22 cantons (or states), three of which are each divided into two distinct governments, so that there are in the country 25 different independent legislatures. I am informed that in every canton a naturalized foreigner enjoys all civil and political rights and privileges; he is qualified to sit in the legislature, to hold any office in the canton, and in all respects is made equal to a native citizen. In some cantons the acts of naturalization are granted by the legislature, in others by the executive government. In most cantons, among others in Berne, Zurich, Vaud, and Geneva, the privileges are complete, and without any restriction, from the date of the act. In Tessin, a naturalized foreigner can only exercise the rights of citizenship after a lapse of five years from the date of his naturalization. In Thurgovie, no one can hold any office in or under the government, unless he has been a burgher of the canton at least five years. In St. Gall, Thurgovie, and Tessin, a foreigner, in order to obtain his naturalization, must renounce his foreign rights of citizenship or allegiance. The small cantons, Schwytz, Uri, and Unterwalden are pure democracies, in the government of which every citizen has a vote, in which there are scarcely any paid officers, and whose laws are not well known or defined. But there does not appear to be any law in those cantons contrary to the admission of naturalized foreigners as entitled to all civil and political privileges.” The next I will take is Prussia; I have a letter from Baron Werther.

581. Who is Baron Werther?—He was here as Charge d’Affaires of Prussia in 1839. He states that “In Prussia every foreigner, from the moment he becomes a resident, and places himself under the protection of the laws, is considered and treated in every respect, both as regards the rights of a denizen of Prussia, and the obligation resulting from those rights, the same as if his denizenship were founded on his descent from parents who were subjects of Prussia at the time of his birth, and who had continued in that capacity until the moment when the individual in question attained his majority. Neither as regards the personal rights of a citizen, nor in respect of the political rights of a subject of Prussia, which consist in voting for the return of members to the Provincial and Commercial States, and the privilege of being elected a member of the several States of the Convention, is any distinction made between an individual who is a subject of Prussia by birth, and one who in consequence of his emigration to the Prussian dominions has been received as such; nor does the latter need any other qualification to obtain and enjoy those political rights, (as established and appointed by the laws relative to the Provincial States applicable to the several provinces of the kingdom,) beyond such as are required of the former according to his station.” The next I will state is that of Saxony.

582. From whom did you obtain your information?—From Baron de Gersdorff, the Saxon Minister in this country in 1839; he goes very fully into it: “In the kingdom of Saxony, under its former feudal constitution, the greatest facility was afforded for settling in the country, and for acquiring all the rights belonging to its subjects; and this facility was rendered evident by the ancient German law, according to which every possessor of an estate, his children, and those bound by the same tie of infeudation, even if not resident in Saxony, were all considered subjects of the State, and were all in possession, without reference whether they were or not born within its limits, of all the rights and obligations of subjects. The right to take part in the deliberations of the Diet was then inherent in every possessor of an estate being a feud, if invested with it in due form, belonging to the corporation of the nobility of the country; and in later times, even without reference to his being of noble birth or a commoner. A second class of representatives were those deputed by the towns, and they were, according to the laws of the corporation, elected from the body of magistrates of each town. The constitution of the

Mr. *Harvey Gem.*

29 March 1843.

Kingdom of Saxony as granted in the year 1831, cannot be appreciated without a reference to the older feudal constitution, and to the Act of the German Confederation of 1815. By the former, it was not indispensably required to be born within the limits of the country in order to be able to attain to all the rights of a Saxon subject; the right of the Sovereign to admit foreigners into his service never having been questioned. The Act of the German Confederation, Art. 18, has expressly granted to every German the faculty of holding civil and military offices in the different States of the Confederation; and though by a law passed in Saxony in 1834, the quality of possessing the rights of a Saxon subject is regulated by the circumstance of being born within the limits of the kingdom, still this requisite is only of a subsidiary nature, inasmuch as the same rights may be acquired by the concession of the right of domicile granted by the authorities of each district, and by the acquisition of real property, or in towns, of that of the freedom of a corporation; in both the latter cases subject to the restriction, that the possessor must have been in possession of his real property, or of his freedom, during the space of five years, with residence in the place. It is then according to the nature of his real property; viz. if either *prædium equestre* (manor), or a house in a town, or a peasant's estate incorporated in a rural district, and according to their value, that the possessor of such property will or may enjoy the elective franchise, and become even eligible to the place of representative in one of the three classes which constitute the chief component parts of the Representative Chambers of the Kingdom of Saxony." I believe the result is, that if the individual live in a town, he must have possessed the freedom of the town for five years; if he lived in a rural district, then he must have been domiciled for five years.

583. Mr. *Ewart.*] Would the possession of the freedom, without five years' residence, entitle an individual to naturalization?—No. In Bavaria the result of the information I obtained was, that naturalization is obtained either by marriage of a foreign woman with a Bavarian, by domicile and release from the personal tie of foreign allegiance, or by Royal decree; but a residence of six years is necessary before the highest rights of citizenship can be acquired.

584. From whom do you derive that information?—From the Baron de Cetto, Bavarian Minister in this country, in 1839.

585. Sir *E. Colebrooke.*] Did you understand whether, in Bavaria, they can purchase and hold land or property previous to obtaining domicile?—The subjects of foreign states can possess landed property equally with Bavarian subjects, and without residence, being liable to the duties which attach to that property. This appears from the Extract of Laws, from which I speak. I must mention that from the same extract it appears, that "if in any foreign state foreigners in general, or Bavarians in particular, are excluded from the benefit of certain private rights appertaining to natives by the laws there established, the same principle is to be adopted (in Bavaria) towards the subjects of such state."

586. *Chairman.*] As to what other States did you obtain information?—Wurtemberg.

587. From whom did you derive your information?—From Count Mandelsloh, who was at that time Minister of Wurtemberg in this country. He states, that "According to the 19th Article of the Wurtemberg Constitution, there seem to be no other formalities required, or restrictions imposed upon a foreigner, desiring to be naturalized in that country, but to acquire some landed property in or near the city, place, or commune, where he means to settle, and thus to obtain, previously, the consent of the local authorities to reside amongst them (*Bürger Recht, Droit de Bourgeoisie*). This having been complied with and the sanction of government obtained, by conferring the '*Staats-Bürger Recht, Droit de Bourgeoisie d'Etat*,' the individual thus naturalized enjoys the same rights and privileges as if he had been born in the adopted country; but he has also to share all the burdens and obligations, personally as well (*conscription militaire*) as with regard to his estates, &c. and, provided he belongs to one of the Christian confessions, he can fill any office and station in the State and the Chambers, the army, and the church, to which his talents and capacities may qualify him."

588. Mr. Serjeant *Stock.*] Do you apprehend that is intended to convey that Germans of other States of the Confederation are included under the description of foreigners?—It is said in the answer I have quoted as to Saxony, that the Act of the German Confederation, Article 18, has expressly granted to every German

German the faculty of holding civil and military offices in the different States of the Confederation.

589. Then the law must apply exclusively to foreigners of other nations?— Precisely so. I received an answer, also, as to Hanover, to the following effect: Naturalization is obtained in Hanover either by marriage of a foreign woman with an Hanoverian subject; by the adoption by an Hanoverian of a foreigner as his child; by holding any office under the government; by the foreigner becoming a member of a commune; by the purchase of a residence or of a freehold in any commune; by the authority of the state, independently of the will of the commune, and by a residence of five consecutive years in any commune with the express approbation of the bailiff or mayor, the conditions in the two last cases being a sufficient fortune and an irreproachable character. The naturalized person is bound to fulfil all the duties, and he possesses all the rights, of an Hanoverian subject, without exception. The answer as to Austria is to this effect: That a residence of 10 years is sufficient in all cases to obtain naturalization; that whoever holds any office, either civil or military, under the crown is naturalized *ipso facto*; that merchants or manufacturers who come to settle in the country with their families can obtain naturalization at once, if they are not in needy circumstances, and enjoy a good reputation, and that naturalization confers, without any exception, all the rights and privileges of natural-born subjects of Austria. I have answers also as to the Hanseatic Towns. This is from Mr. Colquhoun, the consul of the Hanseatic Towns: “In Lubeck and its territory, the rights of citizenship conferred on foreigners are granted by letters of naturalization, and confer all the rights and privileges which natural-born subjects enjoy; any person of respectability, especially after a prolonged residence, is admitted without difficulty to those rights, provided he can show (if required) to the authorities that he has sufficient means of subsistence.” The return as to Frankfort I obtained from Mr. Behrends, the consul in London; he says, “Naturalization is obtained either by gift for great merit, or by marriage, or by purchase, if the parties desirous of becoming citizens be respectable, and can give satisfactory references regarding their character, station, and property; when the citizenship is once bestowed, then the naturalized subject enjoys, if I am not very much mistaken, the same rights the native subject possesses, and he becomes thereby qualified to sit in the senate, and to hold posts of trust and emolument under the government.” In Bremen there is the same facility, the means of subsistence being shown. Every citizen is a member of a commune, to be received into which it is necessary to pay an entrance fee, varying according to circumstances, but in no case exceeding 80*l.* sterling; after five years admission as a citizen a foreigner is admissible to the highest offices, and to a seat in the senate. Jews and Mahometans, however, are excluded, the distinction being considered rather national than religious: This information as to Bremen is also from Mr. Colquhoun. As to Denmark, “every foreigner who establishes his domicile in Denmark with the intention of remaining there, and who possesses land of the value of 30,000 crowns, or houses in the towns of the value of 10,000 crowns, or a capital of 20,000 crowns in trade, acquires by that alone the right of demanding letters of naturalization. Children born in Denmark of foreign parents, and naturalized individuals, may hold any office whatever. There is only one exception, which is, that a naturalized foreigner, to become eligible as a deputy of the provincial states, must make proof of an uninterrupted residence of five years in the European states of Denmark, and the complete liberation from all submission to a foreign power.” That is signed by Baron Blome, the Danish Minister in this country in 1839. The next is the case of Portugal; the communication is from Monsieur Carvalho, the Portuguese Minister in this country. It states that in Portugal a foreigner, being 25 years of age, having resided two years in the country, and having the means of subsistence, can obtain letters of naturalization; the two years is dispensed with by proof of having married a Portuguese woman, of having opened or improved a public road, of having embarked money in trade, of improving any branch of arts or agriculture, or introducing a new trade and manufacture, or any act of public beneficence. The naturalization confers all the rights of a Portuguese citizen. In Sardinia the power of granting naturalization in the kingdom rests entirely with the king; it is never refused on any *bonâ fide* application, and it confers on the person naturalized all the rights belonging to natives. That is from Monsieur Revel, the Secretary of Legation.

Mr. Harvey Gem.

29 March 1843.

Mr. Hartey Gem.  
29 March 1843.

590. Mr. Darby.] You spoke of the particular hardship of the case of Mr. Moilliett; your attention has been drawn to the subject rather with reference to the peculiar hardship of a particular case, than with reference to the general results of any general alteration of the laws?—Certainly; I think it seems unwise and ungenerous to give to a resident of 50 years, who has perfectly identified himself with the country, only a limited naturalization, when you grant the same naturalization to a man who is a resident here for a fortnight, and who, for aught that can be known, will go and reside abroad; there is no pledge for his remaining.

591-2. Your attention has been directed rather to a particular case than to the general policy?—Yes. I do not wish to express any opinion as to the general policy, though I certainly entertain a very strong one.

*Veneris, 31<sup>o</sup> die Martii, 1843.*

MEMBERS PRESENT.

Mr. Aglionby.	Sir George Grey.
Sir Edward Colebrooke.	Sir John Hanmer.
Mr. Cripps.	Lord A. Hervey.
Mr. Darby.	Mr. Hutt.
Mr. Ewart.	Viscount Mahon.
Mr. Gaskell.	Mr. Smythe.

WILLIAM HUTT, Esq. IN THE CHAIR.

*John Lewis Mallet, Esquire, called in; and Examined.*

J. L. Mallet, Esq.  
31 March 1843.

593. *Chairman.* YOU are engaged in the Audit-office?—I am Secretary of the Audit-office.

594. Are you a native-born subject of the British Crown?—I am not.

595. Have you ever experienced any inconvenience during your residence in this country from that circumstance?—No inconvenience whatever.

596. Have you ever had reason to complain of the operation of the British laws with relation to persons of foreign birth?—I have.

597. Have the goodness to state the circumstances?—I am a native of Geneva; my father being a man of letters, settled at Paris in 1783, and having a great admiration of the government and institutions of this country, he sent me here in 1786 (where I remained three years), with a view of my acquiring the language, and something of an English tone of mind. The tide of political events took my family back to Switzerland in 1792; and a requisition from the French Government, a short time previously to the invasion of that country in 1798, drove my father from his native land, and obliged him to take refuge in England. He died here in the year 1800, and soon after his death I was appointed to a situation in the Audit-office. In 1804, I was promoted in that department to a new office of correspondence. In 1805, an Act having passed (45 Geo. 3, c. 91) for creating an additional office of audit, Mr. Pitt, at the recommendation of Mr. Huskisson, appointed me first inspector of accounts under the new Board. In 1806, the Government determined to consolidate the two offices, and to enlarge the department so as to provide for the enormous arrear of accounts which had then accrued in consequence of the war; on which occasion the Right hon. William Wickham, then one of the Lords of the Treasury, desired my assistance in preparing the Bill (see Act 46 Geo. 3, c. 141) to be brought in for that purpose, and the regulations under which the new Board was to be constituted; and on the establishment being formed, Lord Grenville, at Mr. Wickham's recommendation, appointed me secretary to the department. This new office consisted of 120 officers and clerks; and from the year 1806 to the year 1827, when the arrear of accounts having been subdued, the department was reduced, the duties of my situation, though there were two under secretaries, were extremely laborious. Since the year 1827, however, several offices of account, both in England and Ireland, have been consolidated with this department; and the whole of the staff of these offices having been abolished, my duties have again increased. It was under these circumstances that I applied in 1836 to Lord Melbourne, on the occasion of the retirement of my friend Mr. Whishaw, for the vacant seat at the Board. My application was warmly

warmly supported by Lord Lansdowne, who knew something of my services in 1806; by Mr. Baring, then one of the Secretaries of the Treasury; and by other friends, whose opinion could not fail having weight with the Government. It received from Lord Melbourne the most attentive and courteous consideration; and I have every reason to believe that both his Lordship and the Chancellor of the Exchequer were sincerely desirous of acceding to my wishes; but the circumstance of my being an alien interposed an obstacle; and on consulting the law officers of the Crown, they declared me incapable of holding an office of trust. I am married to an Englishwoman; I have three sons; I have acquired a small landed property; my connexions are respectable, and, independently of my sense of duty towards the country of my adoption and its gracious Sovereign, all my interests in life are bound up in its welfare; my situation and circumstances, therefore, afforded every security that could be looked for. I beg it to be understood that I do not submit this statement to the Committee in a spirit either of disappointment or complaint; I am deeply sensible of the protection and advantages I have enjoyed; but I nevertheless think that the power of considering and of deciding upon exceptional cases (of which I humbly conceive my own case to have been one) ought to be vested either in the Privy Council, or with some other competent authority. I beg leave to give in a copy of the Treasury Minute of the 22d of February 1836, in which the opinions of Lord Melbourne and of the law officers of the Crown, on my claim, are expressed.

*J. L. Mallet, Esq.*

31 March 1843.

*The same was read, as follows:*

Sir,

Treasury Chambers, 25 February 1836.

I am commanded by the Lords Commissioners of His Majesty's Treasury, to transmit to you, for your information, a copy of their minute, dated 22d February 1836, on the subject of Mr. Whishaw's retirement as a Commissioner for Auditing the Public Accounts, and the appointment of another person in his room.

J. L. Mallet, Esq. Audit Office.

I am, &c.  
(signed) *F. Baring.*

COPY of TREASURY MINUTE, dated 22 February 1836.

3927. My Lords read the minute of the 30th January last, appointing Mr. Edward Romilly a Commissioner of Audit, in lieu of Mr. Whishaw, who retired.

Lord Melbourne and the Chancellor of the Exchequer state to the Board, that upon Mr. Whishaw's resignation they had the claims of Mr. Mallet before them; and that it was his Lordship's intention, in consideration of Mr. Mallet's long and meritorious services, to have recommended him to the vacancy; but that, upon taking the opinion of the law officers of the Crown, it appeared that Mr. Mallet, being a native of Switzerland, could not, by law, hold the situation.

Lord Melbourne and the Chancellor of the Exchequer consider it but just that Mr. Mallet should be officially informed of the grounds which have prevented his appointment.

My Lords concur with Lord Melbourne and the Chancellor of the Exchequer, and desire that a copy of this minute be transmitted to Mr. Mallet.

598. *Sir George Grey.*] When Lord Liverpool was First Lord of the Treasury had any application been made by you to him of a similar kind, and did the same objection prevent that application being complied with?—I applied in the year 1821, and Mr. Huskisson had the kindness to take charge of my letter; and when he carried it to Lord Liverpool, and told him the purport of the letter, Lord Liverpool said he could not look at it; that he was precluded by the Act of Settlement from submitting any such appointment to the King.

599. *Chairman.*] You were considered competent to hold the situation of secretary to the Audit Board, but could not hold the office of a Commissioner?—My office of secretary is during pleasure; the situation of Commissioner is under the Great Seal.

600. As secretary, you are the servant of the Commissioners?—I am.

601. Of course the situation of Commissioner is held under the Crown?—It is.

602. How many years have you been secretary?—I became secretary in the year 1806.

603. Have you been naturalized by Act of Parliament?—I have not.

604. Have you been denizenized?—I have.

605. In what year were you denizenized?—I cannot recollect.

606. *Viscount Mahon.*] Was it before or after your application to Lord Liverpool?—In 1806.

607. *Sir George Grey.*] Would this difficulty have been removed if you had been

J. L. Mallet, Esq.

31 March 1843.

been naturalized by Act of Parliament?—That would have made no difference whatever.

608. Mr. *Darby*.] Had you a son born before the letters of denization?—No,

609. Had you any particular reason for taking out letters of denization rather than an Act of Naturalization?—I consulted my friend Mr. John Reeves, who was then superintendent of aliens; and he said that the only difference which existed between the letter of denization and the Act of Naturalization was, that the privileges of foreign factories were only conferred on aliens who had been naturalized; but that the power of holding property and the other privileges granted by naturalization would equally be conveyed to me by letters of denization; and therefore he recommended to me to apply for letters of denization.

610. Mr. *Cripps*.] At the time you were made a denizen, were you made a denizen alone, or were there other persons included in the same patent?—There was another gentleman included; a Swiss.

611. *Chairman*.] Do you happen to remember the expense of the letters patent?—I do not; it was trifling.

612. Lord *A. Hervey*.] No objection was ever taken to your holding the office you now hold, on the ground of your being a foreigner?—None that I am aware of.

613. Viscount *Mahon*.] Did you hold that office before you were a denizen?—I did not.

614. *Chairman*.] Letters of denization and Acts of Naturalization deal practically only with questions of real property?—Just so.

615. They convey no capacity for holding offices of trust?—I understand none whatever.

616. Are you acquainted with any other case at all similar to your own?—Not similar to my own: I know of no person holding an official situation having been precluded from obtaining an office of trust by being an alien.

617. Are you aware of any other instance of a foreigner residing in this country who has complained of the harsh operation of our naturalization laws?—I have heard of the instance of Mr. Moilliott, of Birmingham.

618. Are you acquainted with Mr. Moilliott, of Birmingham?—I am.

619. Is he a gentleman of respectability and property?—He is.

620. Are you aware whether he is a man of landed property?—I believe he possesses landed property.

621. Has he married an Englishwoman?—He has.

622. In what part of Switzerland were you born?—In Geneva.

623. Would you there have been subject to the same disqualifications under which you now suffer, supposing you had been a person of foreign birth and had resided in Geneva as you have done in England?—The laws are various. Geneva has been under various states of transition and different constitutions; the law with regard to aliens is different in different States, but I believe a few years' residence would qualify a person for holding any office at Geneva. At the time I lived at Geneva, a foreigner was obliged to be admitted a bourgeois of the town; which was done by a sort of *lettre de bourgeoisie*. I believe the admission of aliens in most of the Swiss States is extremely easy.

624. Sir *E. Colebrooke*.] Do you mean to all the privileges of citizens?—I believe so.

625. Mr. *Darby*.] What consequences have attended the alien laws in Switzerland and Geneva?—Consequences of different descriptions. At Geneva a great number of the working population consist of aliens; persons coming from Germany or from France, and who have no nationality and no feeling of nationality, and, therefore, who lend themselves more easily to excitement of a popular character; at Geneva, I believe, every person would speak as I do upon that subject, that it has been attended with injurious consequences. With regard to Berne and the German part of the country, I particularly allude to the introduction of Germans and persons of excitable character and very extravagant opinions, if I may so express it, who are obliged to leave their country; many of them literary men, and who have obtained, in the present state of those Cantons, the situations of professors and so on; and I could mention instances where it has been attended with very injurious consequences; but there is no analogy between the two instances; this is a large country.

626. Sir *E. Colebrooke*.] Does not the position of Switzerland, in the centre of so many German States, render that country particularly liable to be entered

by persons of that kind, fugitives?—Yes; and I think that is one of its privileges; I am not at all insensible of the advantages of it.

627. But you think that it has been attended with injurious consequences?—Yes, within the last 15 years.

628. *Chairman.*] Do you attribute the excitement in Switzerland to those circumstances alone?—No; to many circumstances.

629. Will you state what those circumstances are?—I think a great tendency to exaggerated democracy.

630. You attribute it, in part, to the political institutions of the country?—In part: it arises chiefly from the political circumstances of the country.

631. To the facility with which foreigners disaffected to their own government find a refuge in Switzerland?—In some degree.

632. *Sir E. Colebrooke.*] Do you consider that they have produced evil by taking an active part in the government of the Swiss Cantons?—I am not aware that they have held the situations which might be called government situations; but by interfering in the concerns of the country.

633. *Viscount Mahon.*] Do not the laws of the different Cantons in Switzerland make a difference in respect of citizenship, with regard to citizens of other States of the Confederation, and with regard to natives of other countries: is not there a favour shown to the former class?—Formerly by treaties the citizens of Geneva were burghers of Berne and other Cantons, with whom they made treaties; and they enjoy, no doubt, as citizens of any one State, privileges with regard to other States which foreigners would not have done.

634. Is that the case at present?—I believe it is.

635. The new Confederation has not altered the law in that respect?—I believe not.

636. *Sir E. Colebrooke.*] You do not think it would be for the benefit of Switzerland that the law should be altered, and foreigners excluded?—I should be sorry that Switzerland should ever cease to exercise the privilege of affording a refuge to men of all countries who may be persecuted for their opinions.

637. *Chairman.*] Do you consider that the disturbances which you speak of have been occasioned in a great degree by the facility with which foreigners have been naturalized in the country?—That would perhaps require a more detailed statement than I could give in this sort of evidence; I could not say that altogether; but I should wish to be understood as not drawing any analogy between the case of Switzerland and that of England.

638. *Mr. Darby.*] From what you have said, it is probably your opinion that it must depend upon the political state of the country at the time, and in some measure the political opinions of the country from which the alien comes to that country, which must vary from time to time?—No doubt. I am speaking particularly of later times.

*John Ward, Esquire, called in; and Examined.*

639. *Chairman.*] You have resided some time in Germany, have you not?—Yes, I resided in Hamburgh the greater part of the year before last, when I was employed there on a diplomatic mission from the Government; I have also been in other parts of Germany.

640. What was the nature of the diplomatic mission which you were engaged in?—I was the British Commissioner in regard to the revision of the Stade tolls.

641. You know of course what the law of Hamburgh is with regard to naturalization?—Yes. By the law of Hamburgh, any person taking up his *bonâ fide* residence there may obtain the rights of citizenship and naturalization, on payment of a moderate sum, equal to a few pounds English; nothing is necessary but a mere residence.

642. *Lord A. Hervey.*] Do you know exactly the sum?—It is a few pounds: it is very trifling.

643. What is the term of residence?—Six months, I believe.

644. *Chairman.*] Is it usual for English merchants to become citizens of Hamburgh?—It is very usual for English merchants, and merchants of other countries, to take out letters of naturalization, because unless they do they cannot hold landed property.

645. Do they acquire, by becoming naturalized citizens of Hamburgh, a capacity

*J. L. Mallet, Esq.*

31 March 1843.

*John Ward, Esq.*

John Ward, Esq.

31 March 1843.

capacity for the enjoyment of all other rights of the State of Hamburg?—They obtain every right except that of the order of the *Bürgerschaft*, which is a part of the Legislature. The law of Hamburg requires for that a still further qualification as to age and quality, not flowing necessarily from the naturalization.

646. Mr. *Ewart*.] Is that qualification common also to the burghers of Hamburg as well as to foreigners?—Yes.

647. Is it not a disqualification peculiar to foreigners?—No, certainly not.

648. Viscount *Mahon*.] Are the foreigners thus naturalized eligible to offices?—I apprehend they are.

649. Do you know any instances of their filling them?—I know one instance of a person, not a native of Hamburg; but the offices are comparatively very few there.

650. *Chairman*.] Do you know whether a foreigner, on being naturalized, would be admitted to the Senate?—I am not sure.

651. Mr. *Ewart*.] Do you know generally from what offices a naturalized foreigner would be excluded?—No; I apprehend there is no general disqualification, but I am not certain that he would be entitled to become a member of the Senate.

652. *Chairman*.] In the case of an English merchant, does the law of Hamburg consider that he repudiates his allegiance to his own country?—Not at all; he becomes a citizen of both countries; so that the child of British parents, born in Hamburg, is a British subject and a subject of Hamburg.

653. Have you been in Hanover?—I have.

654. What is the law of Hanover?—I believe the law of Hanover is the same as that of the other German States; that is, that any person may obtain the *bürger-recht* and naturalization, upon a *bonâ fide* residence for a limited period.

655. Viscount *Mahon*.] Are not the *bürger-recht* and naturalization synonymous?—No; the *bürger-recht* is the right of citizenship in the town in which he resides; naturalization applies to the whole State.

656. How is the distinction you have just made drawn?—The distinction is this; that a person may have the *bürger-recht* in any town in Germany without being a naturalized subject of the State; he may have the right for municipal purposes within the town of voting and so on, but he may not be a naturalized subject of the whole State. The common course is to take out both at the same time.

657. Mr. *Ewart*.] Or, *vice versâ*, he may be naturalized without having the *bürger-recht*?—Yes.

658. Viscount *Mahon*.] Would not the greater necessarily include the smaller?—No. I should mention that in Hanover and all the German States there is a law of the Germanic Confederation, that a natural subject in one State cannot be an alien in another; a Prussian in Hanover, or an Hanoverian in Prussia, for instance.

659. *Chairman*.] Have you been in Belgium?—Frequently.

660. What is the law of Belgium with respect to the naturalization of foreigners?—It is this: there are two kinds of naturalization, the *grande naturalisation* and the *petite naturalisation*, as it is called; the *grande naturalisation* enables a person to participate in all the offices of the State, and to be a member of the legislature. That can be done only by an act of the Belgian legislature.

661. Mr. *Ewart*.] It is the same as in France?—Yes; with this difference, that in Belgium it requires an act of the legislature; in France it is by the executive government.

662. Viscount *Mahon*.] Is the Belgian law derived from the law of Holland?—The principles of the Belgian law are laid down in the constitution.

663. Sir *E. Colebrooke*.] Is there any expense attending the admission?—The expense of admission to the ordinary rights of citizenship is very small. I suppose the expense of an act of the legislature is not large.

664. *Chairman*.] Is there any difficulty attending the obtaining the ordinary rights of citizenship?—The Belgian Government has a rule, founded on their constitution, which requires reciprocal privileges to be given to their subjects in other countries; that foreigners in Belgium should be precisely in the same relative situation as Belgians in other countries.

665. Mr. *Ewart*.] Then an Englishman in Belgium would suffer from the effect of the restrictive laws of England?—I apprehend he would.

666. *Chairman*.]



666. *Chairman.*] Are you speaking of the *grande* or the *petite naturalisation*?—Both.

667. *Mr. Ewart.*] The letters of *grande naturalisation* in France are obliged also to have some sanction of the legislature, are they not?—I understand not; that upon a person having resided there 10 years, the executive government has a right of conferring them.

668. *Viscount Mahon.*] Have you any personal acquaintance with France as well as Belgium?—Yes. I understand that Monsieur Benjamin Constant and other persons were naturalized by the act of the executive government.

669. *Chairman.*] Would he have been at liberty to take his seat in the Legislative Assembly, without an act of the legislature?—I believe it was done without the interference of the legislature, by the executive government.

670. Are you aware whether he required the interference of the Chamber in which he sat?—I apprehend not.

671. *Sir E. Colebrooke.*] The naturalization of which you speak, refers to every privilege?—Yes.

672. Including the holding offices?—I apprehend so.

673. Do you know whether that produces satisfaction?—I conclude so; it would be attended with inconvenience if it were not so.

674. *Mr. Ewart.*] You consider the facility of naturalization most highly estimated in a commercial country?—Certainly; I consider, as a matter of commercial policy, it is a great object to facilitate it.

675. *Sir E. Colebrooke.*] There are large numbers of naturalized persons in Hamburgh, of course?—Yes, in no place more so.

676. *Mr. Ewart.*] Are its benefits highly estimated by the authorities?—I know they are; I have heard the authorities in Hamburgh speak of it as a matter which facilitated commerce there; as one of the advantages of Hamburgh; as a matter of which they knew the real value.

677. *Chairman.*] Are you at all acquainted with international law?—Yes, I have studied it.

678. What is your opinion of the naturalization of foreigners?—I think it very desirable there should be no test of citizenship or naturalization, except that derived from residence; that that is the principle upon which modern legislation ought to proceed. In the ancient world it was quite different; I am speaking now of the commonwealths of Greece and Rome; there, citizenship was derived only from race; the descendants of a foreigner were foreigners to the end of time; the circumstance of a man's being born or bred in a particular part of Greece, made no difference whatever with regard to his condition.

679. *Sir E. Colebrooke.*] In Athens they were allowed to be admitted by an assembly of the people, were they not so, as to get the same rights of citizenship?—I think not; they were called *μετοικοι, συνοικοι*, &c.; neither payment of taxes nor community of place conferred citizenship; one community would allow of infanticide, another polygamy, and another would not, so that there was a substantial reason for preserving the distinction drawn from the difference of race, which implied religious and moral differences and of customs. That same principle was followed out in our feudal times in the middle ages. Besides, in the middle ages, the rule of military service, attached to the possession of land, was an additional reason why foreigners could not hold land in this country. It was only at a late period that what I may call the modern rule which should be applicable to naturalization was adopted. In the reign of James the First, there was a great contest, after the time of the Union of the Crowns of England and Scotland under James the First, whether the former inhabitants of Scotland, and whether those born since the Union, should be entitled to the benefits of naturalization. Lord Bacon argued the case of the *post nati*, when he was Solicitor-general, in the Exchequer Chamber; and it was ruled that the *post nati* were entitled to all the rights of citizenship. With respect to the *ante nati* (persons born before the Union), Lord Bacon argued the case in the House of Commons upon grounds of general policy, and in his speech there will be found very excellent arguments in favour of the general policy of naturalization; however, it was decided against him, and the *ante nati* never did acquire the rights of citizenship in this country, which was not fully united with Scotland until the period of the Union in the reign of Queen Anne.

*John Ward, Esq.*

31 March 1843.

*John Ward, Esq.*

31 March 1843.

680. *Mr. Ewart.*] Have you turned your attention to the policy of Rome in later times?—I believe the exclusion was not so rigid as in the Greek States, but it was kept up in many of the Roman colonies. In a great degree the distinction as to the exclusion of the Jews is founded on difference of race.

681. That accounts for their having a peculiar place allotted to them in certain towns?—Yes.

682. Like the Tartars in China?—Precisely so; they are considered as foreigners. In the reign of James the First there were a great number of aliens came here from the Low Countries, and many petitions were presented to the Crown to have them removed, and prevent their settling; but James the First encouraged them; he always endeavoured to protect them, though no general Act of Naturalization was passed; but in the reign of Charles the Second there was a kind of Naturalization Act passed, the 15th Charles the 2d, c. 15; it was a sort of Naturalization Act, but contained an invitation to aliens, containing a pledge that they should be favourably received.

683. Does not that Act show that it was considered as favourable to commerce?—Certainly. Afterwards came a material Act, the 7th of Anne, c. 5.

684. Was not there an attempt made intermediately to introduce the privileges of naturalization?—There was an Act of William the 3d, which is the foundation of the present restrictions.

685. *Sir E. Colebrooke.*] Do you not consider the distinction drawn between real and personal property as principally a feudal distinction, because the possession of real property carried military and civil privileges?—I think that was the ground of distinction. The Act of the 7th of Anne was passed on account of the Palatinate refugees, who had been invited here, and of whom a large body took up their residence here. It is said in the histories that the King of Prussia had invited a great number of them into his dominions; that appears from Macpherson's History of Commerce. The preamble states that the increase of people is a means of advancing the wealth and strength of a nation, and so on.

686. *Mr. Ewart.*] Were many persons naturalized under the 7th of Anne?—I conclude that there were: it is stated in Macpherson's History of Commerce that about 7,000 of them came over, and that they placed themselves in tents round London, at Blackheath, and Camberwell, and elsewhere.

687. *Chairman.*] You do not attribute the appearance of those thousands in this country to the passing of that Act, independently of the disturbances in the Palatinate?—Certainly not. The Act of the 10th of Anne, c. 5, which repealed the Act of the 7th of Anne, appears to have been brought forward rather as a party measure for an attack on the Whig ministry, who had lately gone out.

688. *Mr. Ewart.*] They were all introduced more or less by contending parties in the State?—Yes: the Act of the 7th of Anne, was introduced by Lord Somers, and Boyle, and Wharton, and the Whig ministry; but their successors, Harley, and St. John, and the Duke of Ormond, and the Tories, encouraged a petition from the city, complaining of the Palatines. It was brought before the House of Commons; and there is in the Journals a resolution of the House that it was a scandalous misapplication of public money and of dangerous consequences, and that whoever had advised their being brought over was an enemy to the Queen and kingdom. That Parliament passed an Act to repeal the Naturalization Act of the 7th of Anne.

689. *Mr. Cripps.*] Are you aware that the 10th of Anne was brought into the House of Commons by Mr. Taylor, who had sat as the chairman of the Committee of the House of Commons which was appointed to consider the introduction of the Palatines?—I was not aware of the fact, but I think it is very likely.

690. Are you aware that that same gentleman had made an attempt the year before to bring in an Act of that kind, which passed the Commons, and was afterwards thrown out by the Lords?—I was not aware of that, but I presume he acted according to the wish of the new ministry.

691. *Chairman.*] You are aware of the Act which passed the House of Commons in the preceding year to repeal the Act of the 7th of Anne, which was rejected by the House of Lords?—Yes.

692. Will you proceed with your statement?—I think that a considerable argument in favour of greater facilities to naturalization is to be found in two Acts which already exist; one of which is the Act of the 13th George the 2d, which

which *ipso facto* naturalized foreign seamen after a service of two years in the British navy.

693. Mr. *Darby*.] Do you conceive that any seaman can at this moment be naturalized by two years' service in the British navy?—I apprehend so.

694. Was it not confined to that particular war?—I conceive not. There was another Act passed in the 13th of George the 2d, c. 7, which is on the same principle, which naturalizes foreign Protestants and Jews residing seven years in British colonies.

695. Mr. *Ewart*.] There is a disqualification from holding office in both those statutes?—Certainly; sitting in Parliament or the Privy Council, or holding office. I think, therefore, that with regard to all cases of the ordinary rights of citizenship, there is no reason why the principle in the Act of the 7th of Anne should not now be established for all ordinary purposes, with the exception of sitting in Parliament, and the higher offices; namely, that all persons who shall be proved to have resided a certain period and taken the oath of allegiance should be *ipso facto* naturalized.

696. *Chairman*.] Capable of holding minor offices of trust?—Yes, all minor offices: and the way in which it should be done might be very easily arranged by means of the Home Secretary, who might have an officer or officers who should make the inquiries on every occasion; and on the result being satisfactory, the Secretary of State should have the power of declaring him *ipso facto* naturalized.

697. Mr. *Cripps*.] That is the course now with letters of denization?—Yes; but they have not the same effect as to the inheritance of freehold property.

698. Mr. *Darby*.] You would, by Act of Parliament, give the Crown the right of conferring, by letters of denization, the power of holding petty offices in addition to the privileges granted now by those letters?—I would give the Crown the right of conferring every privilege, except the privilege of sitting in Parliament and the Peerage, and so on.

699. You would give, by Act of Parliament, the power to the Crown to confer certain privileges in addition to those it has now the power of conferring?—Yes.

700. Do you know whether in Belgium it is required that the party, by becoming naturalized according to the law of that country, should renounce his allegiance to his own country?—It is the case with respect to the higher naturalization in France and in the United States, and my impression is that it is so in Belgium also; but in Hamburg it is not so.

701. Mr. *Ewart*.] Do you know of any other case except that of Hamburg where a man may have double allegiance?—In all the German States.

702. Mr. *Darby*.] Are you aware that by the laws of this country a man cannot shake off his allegiance to his country?—Yes. By the law of England no person can shake off his allegiance.

703. That is required by the law of Belgium and France?—Yes.

704. *Chairman*.] Are you aware whether a foreigner can purchase and hold land in Belgium without acquiring the rights of citizenship?—He must, I believe, acquire the ordinary rights; he must prove himself to have resided there a limited period, and then he may purchase land; he must have his name recorded as a resident; but I apprehend that would be quite a matter of course.

705. Sir *E. Colebrooke*.] You have referred to the Act of 13 Geo. 2d, c. 7; does not that naturalize all foreign Protestants and Jews who have resided seven years in our colonies, as regards this country, with the exception of the limitation of the Act of Settlement?—It appears so.

706. Lord *A. Hervey*.] Does not the 20th Geo. 2d, c. 44, extend that Act to persons obliged to take an oath under the 13th Geo. 2d?—That Act extends the provisions of the 13th Geo. 2d and enables foreign Protestants who shall have resided in America seven years, who scruple to take an oath, to be naturalized on subscribing an affirmation. There is one point I wish to suggest to the Committee, whether the restrictions imposed by the present Alien Act might not be modified; they give a great deal of unnecessary trouble, I think, to foreigners. The object is mere registration, which I think might be attained by requiring the masters of vessels to deliver in lists of any passengers, inwards or outwards; but that there is no necessity for requiring foreigners to present themselves or to receive certificates from time to time. It is under the third clause of 6 Will. 4, c. 11: "that every alien arriving in the United Kingdom

*John Ward, Esq.*

31<sup>st</sup> March 1843.

shall present to the chief officer of the customs, for his inspection, his passport, and make a declaration to him of the day and place of his landing, of his name, of the country to which he is subject, and from whence he shall have come; which declaration shall be reduced into such form as shall be approved by the Secretary of State; and if any such alien coming into this realm shall neglect or refuse to present and show his passport, or shall neglect or refuse to make such declaration, he shall forfeit the sum of 2 *l.*"

707. *Mr. Darby.*] You are aware that the Act requiring six months' registration is not now in existence?—It is not.

708. Are you aware that there is no mode of recovering the penalty of 2 *l.* under that Act?—I did not advert to that.

709. *Mr. Ewart.*] Foreigners comply with that regulation, notwithstanding there is no penalty?—Certainly, at Dover and in London.

710. *Lord A. Hervey.*] Are you aware that in some places there is no instance of the Act being complied with?—It is complied with at Dover and in London.

711. *Chairman.*] Do you believe it is universally complied with?—Probably not; but I think that any restriction whatever on aliens is very unnecessary, and it is disagreeable to their feelings; it is regarded as a passport.

712. Even if the Act were enforced, you think it would be of little utility?—Yes.

713. By what means do you suppose the captain of a ship can distinguish between an Englishman and an American?—I think it would be his duty to ask his passengers; I would have his report, as in clause 2, merely for statistical purposes, and no other.

714. Have you in the course of your acquaintance with the Continent ever learned any instance in which the introduction of foreigners had been prejudicial to the State?—Never; on the contrary, I imagine, in commercial places, in Hamburgh for instance, it has operated very beneficially, and it is so considered.

715. Did you ever hear it alleged that it had operated injuriously in Switzerland?—No, I never heard that.

716. Have you ever heard that the influx of foreigners into Switzerland had fomented political excitement?—I have heard that political refugees have gone there; but I think that is rather a question to what extent the police and passport system ought to be carried.

717. From what cause do you imagine that foreigners have taken refuge in Switzerland?—I suppose the comparative freedom of their institutions.

718. You do not attribute it at all to the facility with which the rights of natural-born subjects are acquired?—I should think that was not the immediate cause of political refugees going there, nor the cause of bad characters having gone there.

719. *Mr. Darby.*] Are you aware of the circumstance that persons, not refugees, who have gone and settled there, have created considerable difficulties in consequence of the number who have gone there with such opinions?—I am not aware of any particular instances.

720. Have you lived there at all?—I have been in Switzerland; I have not resided there for any time.

721. *Mr. Cripps.*] Have you been in any diplomatic service otherwise than the mission to Hamburgh about the Stade tolls?—No, not otherwise.

722. Have you been in any government office here?—I have been otherwise employed by the Government, but not on any diplomatic service except that to which I have referred. There is one other point I would take the liberty of suggesting with respect to the law of inheritance: the rule is, that the son of an alien father and an English mother, born out of the allegiance, cannot inherit. I submit that is a great hardship, that a person cannot inherit from his own mother lands in England.

723. *Chairman.*] Is that peculiar to the English law?—I am not prepared to say whether it is peculiar, but as a matter of principle there can be no good reason for it. The law is, that a man's father or grandfather by the paternal side must be an English-born subject, to entitle him to inherit; but it does not apply to the mother or grandmother.

724. *Mr. Ewart.*] Is that a vestige of the feudal laws, allowing the alien son of an English father, but not of an English mother?—I believe it depends on a very old law, which gives the privileges to persons born out of the King's allegiance,

allegiance, provided their father and grandfather were English. I should submit that that should be relaxed so as to give inheritance through the mother as well.

725. *Mr. Darby.*] Have you ever known a case where a son born of an English mother, the father being an alien, who would have taken the property through the mother, if the law had been such, was refused an Act of Naturalization?—I never knew such a case, but I submit that the rule of law is a bad one.

726. *Chairman.*] Supposing a man whose mother was English and whose father was foreign, and he was born out of England, would he not be considered a foreigner?—He would be, and he must obtain an Act of Naturalization.

727. What would an Act of Naturalization do for him?—It would enable him to inherit land; but it is a great hardship to him that he would be excluded from the Privy Council and Parliament, and all offices irrevocably. His father being a foreigner he would succeed to his father's land abroad, but he would not succeed to his mother's lands here without naturalization; and even this Act of Naturalization would exclude him from public offices.

728. Supposing the father obtained an Act of Naturalization, and his son was born in this country, in that case the son would be a British subject?—Yes, certainly.

729. Supposing that an elder son had been born in France, the second son would in the first instance have succeeded to the property in this country; would the Act of Naturalization displace the second son, and give a preference to the eldest?—That would be according to the terms of the Act of Parliament; it would not naturalize a son born before the Act; the Act appears to be prospective.

730. *Mr. Aglionby.*] Is it not understood in the profession that the Act of Naturalization, which is formed upon a model Bill in the House of Peers, gives prospective rights, and not retrospective?—I apprehend that would be so.

731. Does it not follow, that in case of the eldest son, an alien, being naturalized after the second son had taken the property and had a vested interest in it, no Act of Naturalization in the ordinary course would enable the eldest son to oust the second?—I am inclined to say so.

732. *Chairman.*] Do you see any objection to enabling all foreign persons, whether naturalized or not, to purchase and hold real property in this country?—I see no reason at all; but I would suggest that there might be a previous registration in the way suggested.

733. *Mr. Ewart.*] Would you give the power of removing all disabilities, such as holding a seat in the Privy Council and the Legislature?—It may be doubtful whether that should be taken from the Legislature. I am not prepared to advocate the taking away that discretion from the Legislature, in respect of the superior offices; offices in the ministry, and so on.

734. *Chairman.*] Would you think it expedient to substitute for the present law a cheaper and more expeditious form by which foreigners might obtain the rights of natural-born subjects, except the higher rights to which you have referred in answer to a former question?—Certainly I do.

735. *Lord A. Hervey.*] Do you think that the English laws discourage foreigners from coming and settling here?—I believe they do to some extent.

736. What part of the law has had that effect?—I think the expenses to persons of small means operate injuriously.

737. Do you think that the rights they obtain by an Act of Naturalization are sufficient, if they could obtain those rights with less trouble?—Those rights would be sufficient if they could obtain them at a less expense.

738. *Chairman.*] Do you think parties would desire to obtain political rights, in addition to the rights of property?—Not generally; there are some cases.

739. Do you not think that parties are sensible of the distinction of their being a sort of proscribed race?—I have heard foreigners complain very much of it, and I know they feel it very sensitively.

740. Do not you think it would be desirable to give them the right of acquiring the minor rights of citizenship, as well as the rights of property?—Yes; such as the rights of voting at elections, and so on. If they can be proved to be aliens now, they will be expunged from the list of voters.

741. *Mr. Ewart.*] Would you allow them to hold office?—I would allow them to hold any office, except the great offices excepted by the Act of William the 3d.

*John Ward, Esq.*

31 March 1843.

742. Lord *A. Hervey*.] Do you think foreigners are deterred from coming here by the expense and trouble of obtaining an Act of Parliament, or by the fact that when obtained it does not give him sufficiently extensive rights?—I think the expense and trouble of obtaining the Act of Parliament is the impediment, not that the rights are insufficient.

743. Mr. *Ewart*.] Would not such a person be still excluded from the office of mayor of a town or common councilman, or even of a constable?—I think he should possess all those privileges. I would propose that the grant should extend to all offices and all rights whatever, except the great offices and the public rights mentioned in the Act of William the 3d.

744. *Chairman*.] Are you not of opinion that the fact of the disqualifications under which a foreigner is placed, even by an Act of Naturalization, has a tendency to repel them from settling in this country?—Certainly it has.

745. Mr. *Darby*.] Have you known of any particular instances in which those difficulties have occurred?—I have heard foreigners very frequently, many foreigners, complain of the matter; I have not known any particular instance of complaint in respect of inheritance.

746. Do you know any one who has wished himself to obtain that object, and have you heard such individuals complain?—Certainly I have known individuals who have complained of the hardship of the expense and the disqualification.

747. You appear to have looked into the Acts of Parliament, and the legal effects of them; on what grounds do you state that the eldest son, who is an alien, when there is an Act of Naturalization obtained by his father, would not be empowered to take under that Act of Naturalization?—I do not say positively, but that appears to be the construction of it.

748. Have you seen Naturalization Acts previously?—I have. I may be wrong; I only speak as to my own impression.

749. Mr. *Aglionby*.] Would you, in any law, adopt what you consider to be now the law, and prevent an interference with the rights of the second son in that particular case?—Any vested rights I would secure.

750. Would you think it necessary also to secure contingent rights?—I think not, unless they were such rights as the law considers actually vested.

751. Would you protect the rights of persons in being, who have been brought up in expectation of a settlement?—If vested, I should, very likely.

752. Lord *A. Hervey*.] What do you define to be a vested right?—I call it a vested right when under a will or by inheritance a person has a legal claim to be the inheritor of his father or his brother, if it were not for the alien law.

753. It would not be a vested right if the testator was not dead?—No, of course not, during the life of the testator.

754. Mr. *Aglionby*.] Suppose an English-born subject had been brought up in England in the expectation of succeeding to property, either by inheritance or under a will, deed, or settlement, and that an intermediate party, who but for the circumstance of his being an alien, would have succeeded, obtains an Act of Naturalization; ought that Act to enable him to step in between the expectations of that party and the property?—I do not think an expectancy would be sufficient; but if a person's name is in an existing entail by will or deed, that is what I mean by a vested right, and that I would protect, but nothing more than that.

755. Mr. *Darby*.] Supposing a person executed a deed, under which the first person named was an alien who could not take, a remainder-man being also named in the deed and who could take; would you by an *ex post facto* law oust the remainder-man, and give it to the man who otherwise could not take?—There would be some ground for protecting the remainder-man in the deed.

756. Would you pass a law which would oust the remainder-man who was entitled to the property, and give it to the man who could not take at the time of the death of the maker of the deed?—I would not oust the remainder-man, but would protect him if he has a legal interest.

757. Then you would give it to the remainder-man under the deed?—Yes, if he has a legal interest. Any man who has a legal interest as a remainder-man should be protected.

758. Mr. *Aglionby*.] What would you consider reasonable and just; would you

you consider it reasonable by a new law to oust a person who had been brought up in a case similar to that put, even if he has not a legal interest?—Yes; I think that would be reasonable, and there would be no hardship in that, for every man must hold his property subject to the operation of general laws.

*John Ward, Esq.*

31 March 1843.

759. To *ex post facto* laws?—Yes, I think so.

760. Mr. *Darby*.] You use the term expectancy; do you use that in the sense of expectancy at law, or merely an expectation held out to him?—A remainder-man in law I consider has an expectancy which I would protect, but not a person who has only a moral expectancy.

761. Mr. *Ewart*.] Might not that question arise with a man who might be considered a remainder-man?—Certainly.

762. Then some limit must be drawn?—Certainly.

763. Mr. *Aglionby*.] Do not you contemplate that such an alteration of the law as you speak of might cause great doubt in families, and great disturbance of titles?—I do not see why it should.

764. In the case put, if there was no protection for parties, would it not cause great doubt in families?—It might cause doubt, but I do not think that would be a valid reason.

765. You would protect the second son against the eldest son inheriting property under such circumstances?—Yes; if the second son has a legal right. I would agree to a clause protecting the legal rights of all persons existing at a certain date.

766. Mr. *Darby*.] Suppose the remainder-man, however remote, had sold his interest, which he might do?—That would follow the same rule.

767. Supposing the remainder-man has sold his interest, you must prevent the person who has purchased from being disturbed in his rights by the person who is naturalized?—That is one of the difficulties, certainly.

768. Mr. *Ewart*.] Is that a case that will often occur?—I should think very seldom indeed. I should think the cases in which such protection of legal rights would be required would be very few indeed.

769. Mr. *Aglionby*.] Have you considered how many families in England must have relations, now aliens, in the United States?—There may be some.

770. Can you venture to say that under the peculiar circumstances of the United States, in which so many thousands of British-born subjects threw off their allegiance at the time of the Treaty of Independence, there may not be thousands of such cases?—They would not all have what I consider vested legal interests.

771. Mr. *Darby*.] If you passed such a law, every one of those who would have claims under a deed, except for the state of the alien law at this moment, would then be able to hold under the law?—Those would be reversioners.

772. Would not a difficulty be created in every one of those cases?—Yes, perhaps it might: it is a subject which requires a great deal of consideration. The suggestion is merely this, whether there should be a clause securing the legal rights vested in persons at a certain date. I am not prepared at this moment to define the legal rights.

773. Mr. *Aglionby*.] You are aware that there probably are in America many thousand persons who went over before the Treaty of Independence, and adopted that country; and that those in this country who have inherited property in consequence of the elder born having adopted America, might be disturbed in their titles if you were to make the American subject now a naturalized subject?—No doubt there must be such cases.

774. Do you not think it would be reasonable to protect all such cases?—That would depend upon the nature of their interests.

775. Would you permit a person who went to America before the Treaty of Independence, threw off his allegiance to this country, and became an American subject, to oust the parties who may be in possession of estates now as remainder-men?—If they are legal remainder-men, so as to have an actually vested interest, I would not disturb them.

776. Mr. *Ewart*.] As a general rule you would make the law prospective?—Certainly; to limit what the exceptions should be is very difficult.

777. Mr. *Smythe*.] Are foreigners obliged to take the sacrament as a necessary qualification for becoming naturalized subjects?—I do not think that under the present state of the law that is practically necessary.

The Right Hon. *Charles Watkin Williams Wynn*, a Member of The House;  
Examined.

Right Hon.  
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M. P.

31 March 1843.

778. *Chairman.*] YOU have paid some attention to the laws affecting persons who are considered foreigners in this country?—My attention was called in consequence of the case of a family with which I was well acquainted, and for whom I happened to be a trustee, particularly to the great inconvenience which results from the uncertain state of the law with respect to the descendants of British subjects born abroad.

779. Are you referring to the case of mixed marriages?—No, I am referring to the case of the fourth generation of British subjects born abroad: a difficulty arises from the words of the two statutes of the 4th Geo. 2d, c. 23, and the 13th Geo. 3d, c. 21. The case was that of a gentleman whose father and grandfather and himself had been born abroad. The father had succeeded to a baronetage and to a considerable estate in England; the son was sent over in his infancy to be educated here, was at an English university, and after he had attained his majority was in the commission of the peace, and was in nomination for the office of high sheriff. He married abroad, and his son was born at Paris; he died, leaving his property to his son, who was brought over to England also in his infancy. The question arose, whether the son was capable of taking under the will: opinions were taken from some of the highest authorities, to the number, I think, of 10; and they were nearly equally divided whether he was or was not capable of inheriting. By the Act of the 4th of George 2, c. 21, it is enacted, "That all children born out of the allegiance of the Crown of England or of Great Britain, or which shall hereafter be born out of such allegiance, whose fathers were or shall be natural-born subjects of the Crown of England or of Great Britain at the time of the birth of such children respectively, shall and may, by virtue of the said recited clause in the Act of the 7th of Queen Anne, and of this present Act, be adjudged and taken to be, and all such children are hereby declared to be, natural-born subjects of the Crown of Great Britain, to all intents, constructions, and purposes whatsoever." Upon this, if it stood by itself, no possible doubt, I apprehend, could be raised but that the children born abroad, having all the rights of natural-born children, had also the right of passing the same on to their children, for their children would be the children of natural-born subjects: but, as I have understood, a doubt was raised upon this in the case of a gentleman of the name of Pitt, a son of Lord Rivers; and with a view only of meeting that particular case, the 13th Geo. 3, c. 21, was passed, the preamble of which certainly considers the grandchildren of natural-born subjects as not entitled to those privileges; it is in these words: "Whereas divers natural-born subjects of Great Britain who profess and exercise the Protestant religion, through various lawful causes, especially for the better carrying on of commerce, have been and are obliged to reside in several trading cities and other foreign places, where they have contracted marriages and brought up families; and whereas it is equally just and expedient that the kingdom should not be deprived of such subjects, nor lose the benefit of the wealth that they have acquired, and therefore that not only the children of such natural-born subjects, but their children also, should continue under the allegiance of his Majesty, and be entitled to come into this kingdom, and to bring hither and realize or otherwise employ their capital; but no provision hath hitherto been made to extend farther than to the children born out of the ligeance of his Majesty whose fathers were natural-born subjects of the Crown of England or of Great Britain:" this recites as if the former Act had not gone beyond that: "therefore be it enacted," and so on, "that all persons born, or who hereafter shall be born, out of the ligeance of the Crown of England or of Great Britain, whose fathers were or shall be by virtue of a statute made in the fourth year of King George the Second to explain a clause in an Act," and so forth, "for naturalizing foreign Protestants, shall and may be adjudged and taken to be, and are hereby declared and enacted to be, natural-born subjects of the Crown of Great Britain, to all intents, constructions, and purposes whatsoever, as if he and they had been and were born in this kingdom." Certainly that Act passed under the idea that the former Act did not extend to the grandchildren; but, according to the obvious sense of the words, it would appear to confer those rights not only upon the persons immediately described as the children,



children, but upon their children also, inasmuch as they would be the children of natural-born subjects of Great Britain, persons who had those rights. This construction in favour of its extending to the descendants is very much strengthened by the case of the Earl of Athlone, which would make the Act of George the 3d unnecessary and redundant. In the case of the Earl of Athlone, General De Ginckel was created Earl of Athlone by King William, and received considerable grants in Ireland; those grants of land were afterwards resumed by Parliament. He took offence, and went back to Holland in 1693. The family continued established there for a century; no one of the family was born in England. After the invasion of Holland by the French, Lord Athlone came over, and was admitted, though there had been, I should think, three or four intermediate descendants, to take his seat in the Irish House of Lords, and I myself saw him sit there as Chairman of Committees of the Lords.

780. Mr. *Darby*.] Was any question raised on his taking his seat?—I never could find out; there does not appear on the Journals to have been any question. It is some years since I looked at the case, but he appears to have been admitted to take his seat very much in the usual manner; there is reference to the original patents.

781. Mr. Serjeant *Stock*.] Do you know whether the family had been in the receipt of any property in Ireland?—No, I apprehend that all the grants were resumed; but I should not doubt that the case must have been well considered, and that the opinion of the law officers, probably in both countries, was taken upon it.

782. Mr. *Darby*.] Do you remember about what year he took his seat?—I think it must have been in 1797; it was in 1798 I saw him sitting as Chairman of a Committee. He spoke in very broken English, with very much of a Dutch accent.

783. *Chairman*.] It is stated that he took his seat in the Irish House of Lords on the 10th of March 1795?—Probably it was about that date.

784. Mr. *Darby*.] Was there any decision in any court on the case of the gentleman for whom you were trustee?—No, none whatever; his uncle, who was desirous his right should be established, did not claim. It was thought the safest way to pass an Act of Naturalization, but with a clause reserving to him uninjured any rights he might be previously possessed of.

785. *Chairman*.] You mention these facts for the purpose of showing the extreme uncertainty of the law with regard to the descendants of British subjects?—And, as it appears to me, the great hardship of it, particularly as it must apply to numerous instances of commercial houses which are established just as much abroad as they are at home; taking cases like that of Duff & Gordon, at Cadiz; there is a commercial house which has been established for several generations, and nothing might be more natural than that there should be three or four generations of children born abroad.

786. Mr. Serjeant *Stock*.] When you were in Ireland in 1798, did the circumstance attract your notice; or was it the subject of conversation at that time, as a matter of curiosity, how the Ginckell family had recovered their rights of peerage?—I think there was conversation.

787. Was it your impression that the Earl of Athlone had been restored to the peerage under and by force of the statute law to which you have referred naturalizing the descendants?—No; I never heard it referred to any particular Act.

788. Are you aware whether there was any standing order of the House of Lords by which the Ginckell family had become entitled by virtue of a perpetual claim?—I am not; I looked into the records of the Athlone case, which are upon the Journals, and endeavoured to make inquiry whether there had been a report of the Attorney-general, which I should have thought there must have been, before he took his seat; but I could not learn whether there had or not.

789. Mr. *Darby*.] On what authority did the doubt arise in the minds of the parties with respect to the case in which you were interested as a trustee?—It occurred almost immediately; it occurred to those who were interested in favour of the child, upon the preamble of the Act of the 13th George 3d, which Act particularly recites that “no provision has hitherto been made to extend further than to the children born out of the ligeance of his Majesty whose fathers were natural-born subjects of the Crown of England or of Great Britain;” and therefore enacts in favour of grandsons.

Right Hon.  
C. W. W. Wynne,  
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31 March 1843.

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790. Mr. *Aglionby*.] Have you ever considered how far those Acts of Parliament you have alluded to, applied to the United States?—As a question of curiosity, I certainly have; and I think it is just one of those questions upon which one can hardly venture to pronounce an opinion.

791. If they did by any possibility apply to the United States, would not the effect be that in time of war the thousands of children of persons who went over before the Treaty of Independence would be traitors?—There can be no doubt that by the law as it now stands, the son of any French parents who happened to be on a visit to England, if the son is born in England, is entitled to all the privileges of a natural-born subject; but at the same time, I think it would be a most dangerous construction of the law to say that he was subject all his life to the laws of treason; that he was bound to allegiance to this country. That question has been a good deal argued in Foster, in the case of Eneas Macdonald. In that case the child came over quite in its infancy; he afterwards served under a commission in the French army, and the Judge determined *nemo potest patriam abjurare*; that he was subject to the laws of treason; but it was recommended that he should receive a free pardon.

792. By the Treaty of Independence made with the United States, British-born subjects in America before the Treaty of Independence had a power of choosing their country; many thousands did so; they were British-born subjects of Great Britain, and had sons in America and grandchildren in America; how far would those Acts affect such persons?—I should say that that Act could not prejudice their sons; that if their sons at the time of their being born were entitled to the privileges of British subjects and were British subjects, they might resume that character whenever they thought fit. Whether that will go further than to the sons, I will not say; I refer to those who were born before the treaty.

793. *Chairman*.] Reverting to the case of Lord Athlone; had there not been some judgment in the Court of Queen's Bench, a few years previous to his taking his seat, which was a conflicting decision to the decision at which the Peers arrived?—Not that I am aware of.

794. In the case of Furry?—That is a very different case; that is a case of the son of an English mother and a foreign father, born abroad. The question there arises rather upon the Act of Edward the Third, on the words "father and mother." As it has been determined that, under those words, the son of an English father was entitled though not born of an English mother, it was conceived that equally the son of an English mother though not of an English father would be entitled; but the decision of the Court of Queen's Bench was decidedly that he was not entitled.

795. Is there not considerable hardship in the operation of such a law?—I think very great hardship; and I have heard of instances of very great hardship indeed, one in particular, in which a lady was proceeding to England in order to be delivered of her son, and unfortunately he was born instead, at seven months, upon the road; and by that means lost his capacity of inheriting.

796. Do you consider that the general operation of our laws towards persons of foreign birth is rather of a harsh character?—I think so, certainly; and I do not see any reasonable ground for them. All the difficulties thrown in the way of naturalization arose from the jealousy in the first instance of King William's Dutch favourites; they were the Bentincks, the Keppels, and others, who had English titles and English estates given them. The same jealousy existed to a very strong degree with respect to the House of Hanover, and perhaps not unnaturally, when nearly the first Act which took place was to create two ladies, favourites of George the First, the Duchess of Kendall, and I think the Countess of Munster; that very naturally kept up that jealousy to a great degree.

797. The law still continues, though the circumstances which called it into being have passed away?—Certainly. There is an extreme hardship with respect to illegitimate children: I recollect a case myself, of a person of very great eminence in the House of Commons, against whom, I believe, a petition was actually presented upon that ground, that he having been born out of the kingdom, and being illegitimate, could not sit; but the fact was there was no ground for disputing his legitimacy. The petition was not proceeded in, but I remember its creating considerable sensation.

798. Was the mother of that gentleman a foreigner?—Yes, I think so; but if he had been illegitimate, which he was not, he would have had no rights of inheritance.

799. Are you acquainted with the nature of the law now in operation in Ireland, with regard to foreigners?—I was looking for it to-day in Gabbett's Digest. There have been in Ireland several Acts passed in order to encourage the settlement of foreign Protestants, allowing them every facility to naturalization. I must say that I have always thought that it was a great omission, at the close of the last war, not to have acknowledged the services of that gallant and distinguished corps, the German Legion, by conferring naturalization on all those who had served in it. By the Act of the 2d George the 3d, chapter 25, "All foreign Protestants, as well officers as soldiers, who have served or shall hereafter serve in the Royal American Regiment, or as engineers in America, for the space of two years, shall, upon the terms required by the said recited Act, be deemed, adjudged, and taken to be His Majesty's natural-born subjects of this kingdom, to all intents, constructions, and purposes, as if they and every of them had been or were born within this kingdom." I certainly should have thought that it would have been, at any rate, a well-merited compliment to have conferred a similar privilege on that corps which had served us in so gallant and distinguished a manner.

800. In all the cases you refer to, were all the rights and privileges of British subjects conferred upon those parties, without exception?—No; there is a proviso, "That no person who shall become a natural-born subject of this kingdom, by virtue of this Act, shall thereby be enabled to be of the Privy Council or a Member of either House of Parliament, or be capable of taking, holding, or enjoying any office or place of trust within the kingdoms of Great Britain or Ireland" Then by the Act of the 13th Geo. 3d, c. 25, it is recited that, "Doubts may nevertheless arise whether such persons as have been or may be naturalized under or by virtue of the said recited Acts, are capable of taking, holding, or enjoying any office or place of trust either civil or military, or of taking any grant of lands, tenements, and hereditaments from the Crown whatsoever;" it is enacted, "That all and every person and persons that have become or shall become his Majesty's natural-born subjects, by force or virtue of the said Acts or either of them, are and shall be deemed to be capable of taking and holding any office or place of trust either civil or military, and of taking and holding any grant of lands, tenements, and hereditaments from the Crown to himself or themselves, or to any other or others in trust for him or them, as well under the great seal of Great Britain as otherwise, other than except offices and places," and so on; but it will be found that some of the general Irish Naturalization Acts have not that exception.

801. Mr. Serjeant *Stock*.] There is an Act of the 25d & 24th of Geo. the 3d, in the year 1784, in which that condition is not contained; there must be residence of three years, and a licence from the Lord Lieutenant?—Yes.

802. *Chairman*.] Are you acquainted with the provisions in private Acts of Naturalization?—Yes.

803. What are the rights a foreigner can acquire by naturalization in this country?—All rights except those which are excepted in the general Act.

804. Those rights are confined almost exclusively to the rights of holding real property in this country, are they not?—That is virtually the whole which they confer.

805. Practically no Act of Parliament conveys to any foreigner the capacity of holding any office of trust, however subordinate?—No; in the case of the gentleman I have referred to, the Naturalization Act would not convey the right of being a justice of the peace, or even a petty constable.

806. Does that appear to you to be a desirable state of the law?—Undoubtedly not.

807. Mr. *Ewart*.] How far would you extend the privileges of a natural-born subject?—I have not the least difficulty in saying that it should be left to Parliament in each case; I should not feel the least difficulty in extending the whole privileges of a natural born subject.

808. Mr. *Cripps*.] Under Act of Parliament?—Under Act of Parliament. Perhaps, lest a very objectionable case should occur, I should not like that it should be granted as a right; I think it would be fit in general cases to grant the right.

Right Hon.  
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31 March 1843.

809. Mr. *Ewart.*] Supposing that in this country, as in others, a person must qualify himself by residence or some previous condition, why would you make an Act of Parliament necessary?—I would only with respect to Parliament and offices under the Crown.

810. *Chairman.*] Supposing that you reserved to Parliament the right of granting the privilege of holding seats in Parliament and at the Council Board, and filling certain high functions under the Crown, would you be disposed to grant, through the Home Office or the Privy Council, the facility of obtaining the minor rights of British subjects, including that of justice of the peace?—I should say many others rather than justice of the peace; minor offices generally I would allow them to fill. Speaking generally, I think, as to a foreigner who has never lived in England, it would not be desirable that he should be appointed a justice of the peace without great care.

811. Supposing the case of Mr. Hope, who had resided many years in this country, had large estates in this country, had married an Englishwoman, and who, as far as could be judged of his intention, intended to remain and abide here, would you see any objection to vesting him with the commission of the peace?—Certainly not.

812. Sir *E. Colebrooke.*] You would have no objection to foreigners holding land without any express permission?—Certainly not.

813. Mr. *Ewart.*] You think that for the offices of minor importance it might be left to the Secretary of State for the Home Department?—Yes.

814. And that for the higher offices the resort should be to Parliament?—Yes; it is better to lay down general rules. It must be taken from a variety of circumstances whether they have become Englishmen or not; the intent is to be collected from so many circumstances, it would be better to leave it, and I think that there would be no hardship in leaving it, to Parliament in each case.

815. *Chairman.*] Do you consider Parliament a body very capable of instituting those inquiries which it would be necessary to institute before the intent of the party could be ascertained?—I think it would be, because practically it would be done by the Secretary of State, and that, as in other cases, the consent of the Crown would be, by the standing orders of either House, required.

816. The course now pursued with regard to an Act of Naturalization, is for the Secretary of State to give a certificate to the House of Lords, stating that the party who applies for the Act is a person of good character and repute?—Yes.

817. You would only propose that the Secretary of State should push his inquiries a little further, and ascertain the intentions of the party?—Just so.

818. Mr. *Aglionby.*] You mentioned a case in which an uncle who was the remainder-man, was anxious his nephew should be naturalized and take the property?—Yes, and was therefore one of the petitioners for a Naturalization Act.

819. Had that not been so, could an Act of Naturalization have been passed for the nephew to oust the uncle?—I should apprehend that it could not. Parliament can of course do anything; but the principle on which it would act would be, that it would not divest the uncle of his right which he had actually acquired.

820. In any new law, you state that you would give greater facilities to foreigners to be naturalized and to hold property: do you not think there should be a protection to prevent the disturbing of titles in such cases as that?—It could not disturb a title, I apprehend; because if property have actually vested, no Act of Parliament can be construed to take it away.

821. Would it not be wiser, to prevent doubts in families, to have some protective clause?—It might be so.

822. Mr. *Darby.*] Do you think there would be no difficulty if such person were left to seek for a particular Act of Parliament, instead of its depending upon a general law as it does now; might not some difficulty arise with respect to the claims of individuals under such Acts of Parliament?—I should not myself apprehend that.

823. Supposing a particular Act was passed with reference to any individual, naturalizing that subject and permitting him to be a justice of the peace, and immediately it was known another person applied, not having perhaps the same influence or means of obtaining the Act, and he was dis-

appointed

appointed in obtaining it, would not that create great unpleasantness?—I never recollect to have heard of an instance of Parliament acting with harshness and injustice in the case of a private Bill affecting only an individual.

824. A Naturalization Act does not appear to have been refused to any individual, but the question of the man being permitted to be a justice of the peace might raise a question as to every particular individual. Do not you think that this merely being done by Acts of Parliament, referring to particular individuals, if a number of applications were made a difficulty might arise out of it?—I think it is an extreme danger: I must say, practically, I do not think there would be found any difficulty.

825. Mr. *Cripps*.] Do you think the same jealousy of strangers which arose in the time of Queen Anne might arise in the case of a Queen Regnant marrying an unpopular foreigner; or do you think the increased control of the Commons over the funds of the country would be sufficient to check that?—Referring to the higher offices, which are excluded from the consideration of this Committee, the Privy Council and Parliament, if the House of Commons was of a different opinion from the Secretary of State, they would not be at all bound to pass the Act by the Secretary of State's having signified the Crown's willingness to consent in the first instance; it would only be necessary for the introduction, that would be all.

826. *Chairman*.] Are you acquainted with the Act 1 Geo. 1, c. 4, which seems to restrict the power of granting Acts of citizenship?—That was passed under this test, and it is an Act which has been set aside in many instances; I apprehend the later Acts have set it aside.

827. You mean in such cases as that of his Royal Highness Prince Albert and Prince Leopold, and another case, that of Prince George of Denmark?—Yes.

828. Viscount *Mahon*.] By set aside, you mean repealed or invalidated?—Repealed *pro hac vice* by Acts of the Legislature.

829. *Chairman*.] Does not that statute appear rather of an anomalous kind; does not it undertake to tie up the hands of Parliament?—Certainly; in principle, I think it is most objectionable for Parliament to profess to do that which it has not the power of doing.

830. Referring again to the case of the son of a British mother, how would you propose to deal with that to remove the evil you have pointed out to the Committee?—I should admit him at once; I should give him the privileges.

831. Mr. *Gaskell*.] You would place him on exactly the same footing as the sons of English fathers?—Yes; but there I would not extend it beyond the first generation, unless after a residence in Great Britain for a certain number of years by such son; I mean that he should have taken advantage of the statute.

832. Mr. *Aglionby*.] Why not extend it beyond the sons; where would be the disadvantage?—It is difficult to say where the disadvantage; but with the descendant merely of a British mother, the connexion with Great Britain is dissolved; the person has become a foreigner to all intents and purposes.

833. Lord *A. Hervey*.] Would not that be the case with the son of a foreigner, supposing four or five generations to have elapsed?—I think not.

834. Would you allow a person to come back at a distance of four or five generations, and claim the benefit of being an English subject?—I should not see much inconvenience in that.

835. *Chairman*.] Was not that the doctrine of Lord Chancellor Bacon?—I believe so.

836. Mr. *Aglionby*.] Would it not be as much dissolved in the case of those who have become subjects of the United States?—Yes: I apprehend that the sons of those who have become subjects of the United States, born after the separation, have no rights, that they are aliens to all intents and purposes; they are the *ante nati*.

837. Mr. Serjeant *Stock*.] With respect to the acquisition of property, and the rights of suing and been sued as other British subjects, and bringing actions, and so on, do you conceive there is any difference with respect to the mode of admitting foreigners to the enjoyment of those rights, and the enjoyment of civil offices?—No, I think not.

838. It has been stated to the Committee that a man may purchase land in France without any previous form, excepting registering domicile; that no act

Right Hon.  
C. W. W. Wynne  
M. P.

31 March 1843

Right Hon.  
C. W. W. Wynne,  
M. P.  
31 March 1843.

of state or magisterial act, in order to validate such purchase, is necessary; but that with respect to the acquisition of civil rights there must be some formality, an ordinance of the king, or a formal act of the three estates, the two chambers and the king together: should you consider it right to render the acquisition of property free as it is in France?—I should.

839. *Chairman.*] Do you not think it desirable to remove the uncertainty which appears to hang over the laws with regard to the descendants of English subjects, by reducing the scattered laws of alienage and naturalization to one simple and current law?—Certainly I do.

840. *Mr. Darby.*] You are understood to say, that where the mother is an English-born subject, you would require residence by the son in this country for a certain time?—In order to convey the rights to a subsequent generation.

841. What would you say with respect to the son himself?—I would give him the rights.

842. *Chairman.*] How would you propose to relieve foreigners from the disqualifications they are occasionally now placed under?—My own opinion is in favour of opening the door very wide indeed; but if it is thought advisable not to do it for all, it might be in favour of the children of all those who should have resided a certain time, or should have borne office or served the country.

843. If any limitation is imposed, you would impose that?—Yes; I should not feel any apprehension in opening the door widely.

844. *Mr. Darby.*] Supposing the question to arise, in case of a war, and the construction to be put upon those Acts which you think they would bear; you are of opinion that that construction would be erroneous?—Certainly; the easiest course would be a Declaratory Act. I rather state that as an exceptional proviso, which might be adopted to satisfy the scruples and doubts of those who object to it.

845. *Viscount Mahon.*] You do not entertain those doubts yourself?—No.

846. *Mr. Serjeant Stock.*] What is your opinion with respect to the plan of entrusting to a Committee of the Privy Council the power of inquiring as to the fitness of an alien to be eligible to be admitted to office, his intent to settle being made a test of his fitness; and that they should report to the Queen in Council, and thereupon the party be licensed as a natural-born subject?—I should feel no objection to that; but I should have doubted whether there would not be a greater degree of expense, and delay, and difficulty, in proceeding before the Committee of the Privy Council than proceeding before the individual Secretary of State.

847. *Viscount Mahon.*] Do you see any objection to leaving the power, as it stands, in the hands of the Secretary of State?—No, I do not.

848. *Mr. Serjeant Stock.*] Do you think the Secretary of State, consistently with his other avocations, could make the due inquiry?—Yes; I think that he would require to be satisfied, probably by a certificate from persons of respectability to whom he gave credit, of those circumstances.

*Lunæ, 3<sup>o</sup> die Aprilis, 1843.*

MEMBERS PRESENT.

Sir Edward Colebrooke.	Lord George Hervey.
Mr. Cripps.	Mr. Hutt.
Mr. Ewart.	Viscount Mahon.
Mr. Gaskell.	Mr. Serjeant Stock.
Sir John Hanmer.	Lord Harry Vane.

WILLIAM HUTT, Esq. IN THE CHAIR.

The Right Hon. Lord *Ashburton*, Examined.

The Right Hon.  
Lord *Ashburton*.  
3 April 1843.

849. *Chairman.*] YOUR Lordship is, perhaps, generally acquainted with the laws of this country with relation to aliens and persons of foreign birth?—I cannot say that I am acquainted with them very minutely; but I am pretty generally aware what they are.

The Right Hon.  
Lord Ashburton.

3 April 1843.

850. Is your Lordship of opinion that the general operation of those laws is such as a sound policy would suggest?—I am not sensible of any material disadvantage arising from their state; perhaps, occasionally, to persons of moderate fortune the expense of an Act of Parliament may be objectionable, and there may sometimes be a difficulty in obtaining it; but I am not otherwise aware of any great inconvenience that results from the present state of the law.

851. Is your Lordship at all acquainted with any case of particular grievance arising out of the operation of the Alien Laws?—I cannot say that I am.

852. Is your Lordship acquainted with a gentleman of the name of Greffulke?—Yes, I know him very well.

853. Is your Lordship aware of the circumstances under which he was induced to leave England and reside on the Continent?—I am quite sure that he was either naturalized, or what is called made a denizen; I believe he was under no inconvenience arising from any disabilities from the state of the law with respect to his position in London as a merchant; Mr. Greffulke did, on one occasion, mention to me, that if he had been able to sit in Parliament he probably should have preferred remaining in this country to going to France.

854. Does your Lordship imagine that feeling has a great influence upon foreigners who have acquired property in this country, that they feel themselves under inconveniences arising from the restrictions of the Alien Laws?—Disabilities of any kind are always irksome, are always objectionable.

855. It has been stated in evidence before this Committee, that many parties, such as the sugar-refiners, and others who have acquired property in this country by their industry, have left this country and returned to their own, and that their emigration from this country has been attributed in some degree to the nature of our laws relating to foreigners; is your Lordship aware of any cases of that kind?—I am not acquainted personally with any instances of the kind; but I think it very probable.

856. Does your Lordship think it desirable to modify in any manner the laws relating to foreigners settling in this country?—The question would apply to the powers or privileges arising from naturalization or letters of denization, and the mode by which it is done, whether by Act of Parliament or by an act of the Crown; but the question will naturally divide itself into those two considerations, first, as to the privileges or rights which the naturalization gives; and, secondly, as to the means of attaining them.

857. With respect to the nature of the privileges, a foreigner settling in this country being debarred by the Act of Settlement from holding any office under the Crown, and from sitting in Parliament or the Privy Council, does your Lordship consider it desirable to extend the privileges which are now accessible by foreigners by an Act of Naturalization?—I cannot myself see any reason for extending them in those respects.

858. Lord *Harry Vane*.] Does your Lordship conceive that any evil could arise from allowing foreigners to purchase lands in this country, and to have the power of holding them without the possession of any political privileges, without being made denizens or naturalized?—The power of holding real estate, I think, should be confined to British subjects. The holding of the land of the country connects itself a great deal with duties applicable to it; as the late Secretary for Ireland said, “property has its duties as well as its privileges;” and inasmuch as a foreigner is seldom in a condition to perform those duties, I think the distinction is a fair one, that the property of the country should be held only by persons amenable to the laws of the country.

859. *Chairman*.] Is your Lordship aware that the law which now exists is constantly evaded?—Undoubtedly; I held myself an estate in Worcestershire for Lucien Bonaparte, when he came over here, and wanted to buy a property for the purpose of living upon it. Mr. Perceval was then Minister; I asked him whether he had any objection, and he said, “You are of course aware that the Crown may seize it at any time.” I stated that to Lucien Bonaparte, and he said he was willing to take it upon those terms, if there was no objection to its being so held, and I held it for a time; he then sold it again, and I, as trustee, signed the deed for him, but I do not think that case is very common.

860. There would be no great difficulty in property being held for foreigners through the medium of trustees?—The Committee will perceive that it is on sufferance only, and that the Crown might seize it if they thought fit.

861. If the Crown were aware of the fact?—Certainly.

The Right Hon.  
Lord Ashburton.

3 April 1843.

862. Viscount *Mahon*.] Does your Lordship conceive that, in the event of further privileges being conferred on foreigners by naturalization, it would be expedient to provide against their retaining allegiance to any other country, so as to prevent the conflict of duties which might, in the case of a war between two countries, be expected to arise?—I think a person should hold allegiance only to one country; that is the American principle. If persons become naturalized in America, they have to make a renunciation of every other country, more especially that to which they then belonged, and I think a person should have but one allegiance.

863. Is that principle in operation throughout all the States of the North American Union?—Yes; the power of naturalizing is a power reserved to the federal government, and not with the States; no State can naturalize; a State may give power to an individual to take land within the State though not naturalized; but a State cannot naturalize. The practice of the States with respect to foreigners is very various. In some States a person, without being a citizen of the United States, may hold land, and in others not.

864. Your Lordship is not aware what is the state of the law in Mexico and other South American Governments?—Not exactly; I happen to know that in Mexico, foreigners cannot hold land, but I know nothing of the other South American States.

865. Your Lordship is of opinion that it would be inexpedient to confer larger privileges on any foreigner, so long as he continues to bear allegiance to any foreign government?—I think so.

866. Sir *Edward Colebrooke*.] Does your Lordship think a simple verbal renunciation of allegiance would be sufficient?—I think it should be a formal one; that the application to become a subject of the Crown should have some marked form; and that that application should be accompanied with the taking the oath of allegiance in the first place, and some declaration of the renunciation of any other allegiance.

867. Viscount *Mahon*.] With respect to the point of allegiance, is it always possible, according to the laws of foreign countries, for a foreigner in this country, even if so disposed, to renounce that foreign country for his children; is there not an article in the *Code Napoleon*, declaring that the children of natural-born Frenchmen, in whatever country born, shall be French citizens?—I believe there is; I apprehend that the principle of renunciation is very doubtful; no British-born subject is permitted to renounce his allegiance to the Crown of England, and I doubt whether France or any European country would allow it. I know of no country but America that permits the renunciation of allegiance.

868. With reference to your Lordship's former answer, supposing a person to be admitted to increased privileges in respect of property in this country, in consequence of renunciation, does it appear to you that this renunciation would bind children who might be minors at the time of granting this privilege; might not a serious difficulty arise on their becoming of age and refusing to concur in that act of renunciation?—Undoubtedly it does occasion that difficulty; the children remain with a sort of double allegiance and double right of property. Several of my children were born in America, but that does not make them Americans. I had a child born in Paris, that does not make him a Frenchman. The renunciation undoubtedly is good for nothing as to the next heir; if I went over and renounced my allegiance, my heir need take no notice of it. I could not bind my son; I could not renounce for him; a man cannot even fully renounce for himself; for supposing a Frenchman became naturalized under an Act of Parliament, that would not prevent the French executing him if he was taken in arms against them.

869. Your Lordship's impression is, that a natural-born Frenchman fighting in our armies, and taken prisoner, would not be treated by the French Government as a prisoner of war?—I should conceive not.

870. *Chairman*.] Your Lordship is perhaps aware that if a French couple were to come to London, and were to happen to drop a child there, that child would be an English subject?—I suppose so.

871. Still he would be always a French subject, would he not?—I believe so.

872. The difficulty to which your Lordship refers of a double allegiance would arise in the case of a person who was naturalized in this country by Act of Parliament?—If the act of accepting allegiance in England did not lose him his



his rights in France ; whether it would or would not, I am not informed ; but otherwise undoubtedly there would be a double allegiance.

873. Your Lordship is not aware of any practical evil having arisen out of those circumstances ?—The number of persons who become naturalized from one country into another is so inconsiderable, I am not aware that any inconvenience has resulted. If any great number were to be put into that situation, inconvenience might arise, but I am not aware that any has arisen.

874. *Sir Edward Colebrooke.*] Your Lordship stated, as one of the objections to the allowing greater liberty to aliens to obtain land in this country, that the possession of land involved peculiar obligations ; do you not think that the engaging in manufacturing industry or commercial enterprise in this country also involves great obligations to the country ?—I think not to the same extent.

875. Does your Lordship conceive any evil would arise from foreigners being in possession of land in this country in a greater degree than would arise from their being in possession of manufacturing capital, and by that possession in a situation to give employment to a large population ?—I think there would. I think the possession of land connects itself with a great variety of duties in the country, much more than an interest in commerce or manufactures. In the question relating to commerce, the most important part of the privilege is that of being enabled to be an owner or part owner of ships ; that is the only part of the privilege arising out of naturalization connected with the question of commerce.

876. *Chairman.*] A foreigner might hold a million of stock ?—Yes ; and we know that foreigners have held very large quantities of stock : they do not hold much now ; but they have held many millions of stock in former times without any inconvenience to this country, and much to its advantage.

877. *Mr. Serjeant Stock.*] With respect to the law of America, your Lordship was understood to state, that the federal government confers the right of citizenship ?—No ; the federal government determines what shall be the general law of naturalization. The federal government does not pass individual acts of naturalization, though I presume they would have the power of doing it, but they determine what shall be the general law of naturalization.

878. Can a particular state grant to foreigners any rights *quoad* that particular state ?—Undoubtedly ; the state of New York, for instance, can permit foreigners to hold lands, but the State of New York cannot make a man a citizen of the United States. I am not quite sure whether the State of New York could give a man the power of holding office under the State of New York, but I should think not.

879. That must depend upon the terms of the constitution of the State of New York ?—All I mean is, that the question would be whether it is a power for the State of New York to give or to withhold, or whether it is a power of the federal government.

880. Your Lordship is not able to give the Committee precise information on that point ?—I can state with certainty, that each State has the power of making laws with respect to privileges in the State and with respect to the holding of land within the State, and that the laws in that respect are very various in different States.

881. Do they require any special form of renunciation, or how is the Act of renunciation evidenced ?—I am not quite sure how the law now stands, but I rather believe that to be a citizen of the United States requires a residence of five years, and notice of one year of an intention to become a citizen, and then a renunciation of all other allegiance ; but I am speaking in some uncertainty.

882. Is there an express Act of renunciation required in any particular form ?—A declaration is made of an intention to become a citizen, and that declaration is accompanied at the same time with an Act of renunciation, but in what form it is I cannot say.

883. *Mr. Cripps.*] Does your Lordship apprehend that is recorded in any office ?—I apprehend it is.

884. *Chairman.*] Your Lordship has stated that you see some objection to foreigners being freely permitted to purchase land in this country, on account of the duties which you conceive are attached to the possession of land in this country ; are you aware that any person of fair reputation may obtain letters of denization in this country ?—Certainly.

The Right Hon.  
Lord Ashburton.

3 April 1843.

The Right Hon.  
Lord Ashburton.

3 April 1843.

885. Letters of denization convey the privilege of holding land?—I am not aware how that is.

886. Letters of denization cost about 28*l.* and are never refused in time of peace, therefore the payment of a fee of 28*l.* is the only qualification for holding land; under those circumstances, would your Lordship wish to alter the law of denization?—I conceive the cases are very few; I do not consider it of importance to alter the law; I cannot say that any great practical inconvenience would arise from the circumstance of admitting a foreigner to hold land; at the same time, perhaps from old prejudice, I think the exclusion proper, though no inconvenience might probably arise from the holding of lands by persons decidedly resident in the country, though not positively subjects of the country.

887. Is your Lordship aware that no stipulation of residence is now required of foreigners who choose to purchase letters of denization?—I am not aware of the particular provisions respecting denizens.

888. Mr. *Ewart.*] Is your Lordship aware that, by the present laws relating to the shipping of this country, a foreigner cannot be owner or part owner of a British ship?—I am aware that he cannot.

889. Does your Lordship know whether that is considered an injurious restriction on commerce?—I believe it has been injurious to foreigners *bonâ fide* resident in this country, and carrying on trade in this country. I think that has had sometimes an injurious effect.

890. Has that induced them to become owners or part owners of foreign vessels?—I believe it has.

891. Can your Lordship state the cost of letters of naturalization in America as compared with the expense in this country?—I cannot; but I should suppose their cost to be very inconsiderable.

892. Not so considerable as in this country?—I should think not; they are taken out by a number of very poor people, from which I should conceive the expense is nearly nominal.

893. Then your Lordship would not apprehend that giving facilities of naturalization would bring an influx of foreigners into this country, the poor having no object in being naturalized, the laws being applicable to persons who possess property?—I think the access being made very free is not likely to bring in any great number of poor; but in case of a war persons might come over who might be mischievously disposed, and who might have hostile intentions, and I should be sorry, by giving them the privileges of a British subject, to take them out of the reach of the Government to deal with. We know that during the late war the Alien Act existed, and, in some cases, the Alien Act became of great importance, by enabling the Government to send out of the country persons who were considered to be mischievous, but still against whom no positive crime could be alleged. If those persons could, by merely making a small payment, make themselves British subjects, and thus put themselves out of the power of the Crown, the political consequences might be mischievous; but with respect to the immediate question put to me, I do not think that would bring with it any danger of our being overrun with poor.

894. The danger which you apprehend might result in times of war, might possibly be left to an Act at the time when the danger arose; does your Lordship think that the possibility of such a danger arising ought to stand in the way of a removal of the existing restrictions in a time of peace?—I should say that it ought not, if I thought any very great grievance or inconvenience arose from the present state of the law.

895. Sir *John Hanmer.*] Was it not the case that, notwithstanding the Alien Act, during the last war there were great numbers of foreigners in this country who were sent over by the French Government for the purpose of supplying them with information?—I think that very likely; but, at the same time, if the Government knew of any person being a dangerous person they had the power of sending him out of the country.

896. *Chairman.*] Does your Lordship think it desirable to keep up that power under the Alien Act in a time of peace?—I am not aware that the Alien Act in time of peace is of the slightest use or importance. I believe it is very little acted on.

897. Mr. *Serjeant Stock.*] It may, however, produce a great deal of unnecessary vexation to individuals, by compelling them to go through certain forms which

3 April 1843.

which have no practical effect?—It may, and there have been abuses of it probably.

898. With respect to the right of purchasing and holding lands, does your Lordship think that could be attended with danger?—I do not think it could be, because I do not think it likely to be very extensively acted on.

899. At present, by the law of France, without looking for any civil rights, a foreigner has the unrestricted right of purchasing and holding lands. Does your Lordship think that the extension of that privilege to England would be attended with inconvenience?—I am not able to point out any inconveniences, but my prejudices would be rather against it. I should feel rather inclined to confine the property in land to the subjects of the Crown; at the same time I am not aware that I can point out any certain inconvenience that would arise from the relaxation.

900. Does not your Lordship think that the making land purchasable by foreigners would, so far as it goes, facilitate the transmission of land from hand to hand, and tend to enlarge the market?—Upon the whole, my prejudices would be in favour of retaining the property in the land in the subjects of the country, but I cannot say that I can point out any great inconvenience that would arise from departing from that rule.

901. Mr. Cripps.] The disadvantages of the present system are not sufficiently obvious to your Lordship to make you feel it desirable to alter it?—Just so.

902. Mr. Ewart.] Does not your Lordship think the disadvantages of the present system might be more than counterbalanced by the advantage of introducing fresh capital to be laid out in land, by giving a wider scope?—That might be the case, if there was any deficiency of capital applicable to land at the present time; but the difficulty is rather the other way, that there is capital which wants employment. If the case were different, and there was a great abundance of land which wanted the application of capital to it, that might make an alteration of the law desirable. I think laws of that description are always capable of being varied, and applied to particular circumstances as they arise. As that does not exist at present, and there is no likelihood of its occurring at any early period, I do not see any reason for an alteration. A foreigner buying land has not the same interest which a person resident on the spot has in its improvement, or with regard to the people who are living upon it; he would not be the man to keep up the schools, and the churches, and the charities connected with landed property, all of which I conceive to be the duties of landed property. A man who merely holds it for income, and who has no other interest but to screw the most out of it, is not so desirable a holder of land as a subject of the country.

903. You would not object to the principle of admission, exacting from him the condition of his residence?—If he becomes really *bonâ fide* resident, I do not see why he should not be just as good and useful a landholder as any Englishman.

904. Can your Lordship state what is the general opinion in America of the result of the freedom of admission of foreigners?—I believe the general opinion of the country is favourable to the admission of foreigners with as little restriction as possible. All the Western States, and States half peopled, would no doubt be very much in favour of the freest and most unrestricted admission of foreigners to settle among them. The towns, on the other hand, on the seaboard, cities like New York and Boston, feel the inconvenience of the great influx of poor emigrants, and most likely would like to put some restriction upon it, in fact some of them have done so. In New York they are obliged to give some security against coming on the parish, but generally speaking, the opinion of the country does appear to be favourable to the most large and unrestricted admission of foreigners.

905. Your Lordship is probably of opinion that good has resulted from this, as it respects the past?—Undoubtedly.

906. Mr. Serjeant Stock.] Would not your Lordship's objection to foreigners purchasing land in this country, supposing them to be resident abroad, be equally applicable to the case of Ireland; and does not your Lordship think that is a bad law which permits English landlords to purchase in Ireland?—I think it is very desirable that the land of Ireland should belong to those who reside in it.

907. Chairman.] Your Lordship has stated, that in the event of a party being domiciled in this country, and engaged in all the interests of an Englishman, you would see less objection to his holding land or receiving some of the privi-

The Right Hon.  
Lord Ashburton.

3 April 1843.

leges of an Englishman?—If one could be assured that the foreigner came to this country *bonâ fide* to make it the place of his domicile, that he wished to become resident in the country, I should have no objection to giving him every possible privilege. I see no reason for excluding any one under such circumstances.

908. The Committee have before them a letter from Mr. Moilliett, who is a Swiss, and who has resided in this country five and forty years, who is a man of large landed property in four counties, as well as considerable personal property; who is married to an English woman, and has no interest but what is English, but he could not even be a petty constable; does not your Lordship think that such a state of the law renders that a case of hardship?—Yes; I think that as it respects a gentleman in that situation, no possible objection could arise to the giving him all the benefits of a British subject; but you cannot make laws for particular cases; probably there are not half a dozen such cases to be found in the country.

909. Your Lordship thinks there would be only a comparatively small number of persons who have acquired property in this country, and who are excluded from holding office. Is it your Lordship's opinion that very few foreigners have come to this country and acquired property here?—I should think not a great many.

910. The question referring to persons engaged as merchants, as manufacturers, and so on?—If you come to property in towns, there are no doubt more as merchants and manufacturers. There may be many in that case. A great number of the sugar-bakers are Germans, and there are no doubt many persons in that situation.

911. Would your Lordship see any objection to admitting a party who was domiciled in this country, and lived here connected with all its interests, to the ordinary rights and privileges of an Englishman?—I should see none; it seems to me that the limited nature of the powers granted in case of naturalization, is the only considerable grievance arising from the present existing system, always supposing that in every case of an application for an Act of Naturalization, some inquiry is made as to the character and position of the party. I see no objection to extending the right granted to every privilege, perhaps with the exception of sitting in Parliament, though I cannot say that I should see much objection even if that were added; there would be a considerable constitutional question whether the power should be vested in the Crown or in Parliament.

912. Mr. Serjeant *Stock*.] Does your Lordship see any objection to vesting in a Committee of the Privy Council, the power of inquiry as to the circumstances of each particular case, that Committee recommending to the Crown, and thereupon the Crown having the authority of conferring those privileges without the intervention of Parliament, except in some excepted cases; certain rights of a British subject being conveyed without the power of sitting in Parliament or becoming a member of the Privy Council, those matters being reserved to the consideration of Parliament?—I presume that inquiry is now made on every application for naturalization, either by the Home Office or some authority of the Government. Leaving the entire power with the Crown might be open to considerable constitutional objections, but undoubtedly it might be practicable to leave the power with the Crown of conferring privileges up to a certain extent, reserving the higher privileges for an Act of Parliament.

913. Mr. *Ewart*.] Does not the Government practically grant the Act of Naturalization now?—Practically.

914. Therefore the suggestion now made would be a mere extension of the system virtually existing?—Yes, only that it must be defined; the privilege now granted is of a very limited extent.

I N D E X,

A N A L Y S I S O F I N D E X.

ALPHABETICAL and CLASSIFIED LIST of the PRINCIPAL HEADINGS contained in the following INDEX, with the Pages of the Index at which they will be respectively found.

	Page of Index.
<i>ACTS OF PARLIAMENT</i> - - - - -	81
<i>Anne, Statute of</i> - - - - -	82
<i>Ireland</i> - - - - -	86
<i>Naturalization Acts</i>	90
<i>Settlement, Act of</i> - - - - -	93
<i>Alien Laws</i> - - - - -	81
<i>Allegiance</i> - - - - -	81
<i>Ancient World</i> - - - - -	82
<i>Athlone, Earl of</i> - - - - -	82
<i>Belgium</i> - - - - -	83
<i>Birth</i> - - - - -	83
<i>Civil Rights</i> - - - - -	83
<i>Commerce</i> - - - - -	83
<i>Commercial Rights</i> - - - - -	84
<i>Cost of Acts of Naturalization</i>	84
<i>Naturalization Acts</i> - - - - -	90
<i>Denization, Letters of</i> - - - - -	84
<i>Home Office</i> - - - - -	85
<i>Denizens</i> - - - - -	84
<i>France</i> - - - - -	85
<i>Lettres de Grande Naturalisation</i> - - - - -	88
<i>Grants from the Crown</i> - - - - -	85
<i>Hamburgh</i> - - - - -	85
<i>Holland</i> - - - - -	85
<i>Home Office</i> - - - - -	85
<i>Inquiries</i> - - - - -	86
<i>Secretary of State for the Home Department</i> - - - - -	93
<i>Inheritance</i> - - - - -	86
<i>Inquiries</i> - - - - -	86
<i>Ireland</i> - - - - -	86
<i>Jealousy of Foreigners</i> - - - - -	87
<i>Lands</i> - - - - -	88
<i>Real Property</i> - - - - -	92

	Page of Index.
<i>Manufactures</i> - - - - -	89
<i>Naturalization Acts</i> - - - - -	90
<i>Acts of Parliament</i> - - - - -	81
<i>Cost of Acts of Naturalization</i> - - - - -	84
<i>Home Office</i> - - - - -	85
<i>Secretary of State for the Home Department</i> - - - - -	93
<i>Vested Rights</i> - - - - -	94
<i>Naturalizations</i> - - - - -	90
<i>Oaths</i> - - - - -	90
<i>Offices under the Crown</i> - - - - -	90
<i>Real Property</i> - - - - -	92
<i>Lands</i> - - - - -	88
<i>Registration of Foreigners</i> - - - - -	92
<i>Alien Act</i> - - - - -	81
<i>Seamen</i> - - - - -	93
<i>Secretary of State for the Home Department</i> - - - - -	93
<i>Home Office</i> - - - - -	85
<i>Inquiries</i> - - - - -	86
<i>Settlement, Act of</i> - - - - -	93
<i>Shipping</i> - - - - -	93
<i>Commercial Rights</i> - - - - -	84
<i>Skilled Labour</i> - - - - -	93
<i>United States of America</i> - - - - -	94
<i>Venice</i> - - - - -	94
<i>Vested Rights</i> - - - - -	94

## I N D E X.

[N.B.—In this Index, *Rep.* iii. vi. &c. refer to the Page of the Report; and the *Figures* following the Names of Witnesses, to the Number of the Question in the Evidence.

## A.

**ACTS OF PARLIAMENT.** If Acts of Parliament must be obtained to naturalize persons, many names might be included in an annual Act, *Lord Brougham* 111—Remarks upon various Acts passed with regard to naturalization; upon the 15 Chas. 2. c. 15, showing that it was favourable to commerce; upon the 7th of Anne, c. 5; this Act was passed on account of the Palatinate refugees; also upon the Act of William the Third; this Act is the foundation of the present restrictions, *Ward* 682-691—The Act of the 10th Anne, c. 5, to repeal the Act of the 7th of Anne, was brought forward rather as a party measure, for an attack on the Whig ministry, which had just gone out; all the Acts were introduced, more or less, by contending parties in the State; the Act to repeal the 7th of Anne was rejected by the Lords, *Ib.* 687-691—Evidence upon the Act 1 Geo. 1, c. 4, restricting the power of granting Acts of citizenship, *Right hon. C. W. Wynn* 824-829.

See also *Anne*, Statute of. *Ireland. Naturalization Acts. Settlement, Act of.*

**Alien Act.** Disregard of the registry required under the Alien Act; propriety of altering or repealing the law, *Rep.* ix.—See also *Registration of Foreigners.*

**Alien Laws.** The present law is often productive of great inconvenience to individuals, *Vizard* 38, 39—Inconsistencies in the various laws relating to foreigners, *Kinglake* 151—The laws should be condensed and made consistent, *Ib.* 172—Our laws are more severe against foreigners than the laws of France, but not so severe as the laws of China, *Ib.* 173, 174—The laws of England are far more rigid than those prevailing in other countries, *McGregor* 300—Generally speaking, the law respecting aliens might be relaxed; it would be more convenient to have a general law; we could not have a measure of reciprocity, but the general policy should be liberal, *Phillipps* 541-552—The general operation of our laws towards persons of foreign birth, is of a harsh character, *Right hon. C. W. Wynn* 796-798—There is no great inconvenience resulting from the present state of the laws of this country with respect to aliens and persons of foreign birth, *Lord Ashburton* 849-855.

**Allegiance.** As a general rule, all persons born out of the Queen's allegiance are foreigners, *Vizard* 3—A more strict construction should be put upon the oath of allegiance; the difficulty of a double allegiance should be settled by the party applying for naturalization, *Kinglake* 194-206—It has always been maintained, politically, that a British subject, by acquiring rights in another country, cannot throw off his allegiance to the Crown, *Stock* 220-225—A foreigner, by accepting denizenship here, does not shake off his allegiance to another country, *Phillipps* 499, 500—In the case of naturalization, a foreigner takes the oath of allegiance, but his allegiance still remains to his former country, *Ib.* 501, 502—Neither a Naturalization Act nor letters of denization can interfere with his duties to his own country, *Ib.* 503—By the law of England, no man can shake off his allegiance, *Ward* 702—In all the German states a man may have double allegiance, *Ib.* 701, 703—With respect to the higher naturalization in France and in the United States, and also in Belgium, it is required that the party, by becoming naturalized, should renounce his allegiance to his own country, *Ib.* 700—A person should hold allegiance to only one country; this is the American principle, *Lord Ashburton* 862, 863, 877-883—It would be inexpedient to confer larger privileges on any foreigner so long as he continues to bear allegiance to any foreign government; the renunciation of allegiance should be a formal one, *Ib.* 865-872—Difficulties in the way of a renunciation of allegiance as regards the children of persons naturalized, *Ib.* 868-873—The children remain with a sort of double allegiance and double right of property, *Ib.* 868.

**Ambassadors.** Their children born abroad are not aliens, *Vizard* 4.

**America.** The general opinion in America is favourable to the admission of foreigners with as little restriction as possible, *Lord Ashburton* 904, 905.

**American Colonies.** Naturalization of foreign Protestants settling in the American colonies, *Rep.* vi.

*Ancient World.* In the ancient world, in the commonwealths of Greece and Rome, citizenship was derived only from race; in Athens, foreigners and their descendants were foreigners to the end of time; they were called *μετοικοι, στυροικοι*, &c.; neither payment of taxes, nor community of place, conferred citizenship, *Ward* 678, 679—The exclusion at Rome was not so rigid as in the Greek states, but it was kept up in many of the Roman colonies; the distinction, as to the exclusion of the Jews, is founded on the difference of race, *Ib.* 680, 681.

*Anne*, Statute of. The provisions of the Act 7 Anne, c. 5, were repealed in 1711-12, by the Harley Administration; failure of attempts to revive that Act in 1748 and in 1751, *Stock* 261, 262.—See also *Acts of Parliament*.

*Army and Navy.* Foreigners now hold commissions in the army, *Lord Brougham* 90—Foreigners serving in the army and navy would be more reasonably objects of jealousy than others, and yet they have been allowed and even encouraged to serve, *Kinglake* 164-168.

*Artizans.* A foreign artizan can work for hire in this country and recover his wages, *Stock* 226.

*Ashburton*, Lord. (Analysis of his Evidence.)—There is no great inconvenience resulting from the present state of the laws of this country with respect to aliens and persons of foreign birth, 849-855—Mr. Greffulke was under no inconvenience arising from any disabilities from the state of the law with respect to his position in London, as a merchant, 852, 853—There is no reason for extending the privileges which are now accessible to foreigners by an Act of Naturalization, 856, 857—The power of holding real estate should be confined to British subjects, 858. 884-887. 898-902—The law which now exists is constantly evaded; case in which witness held an estate in Worcestershire for Lucien Buonaparte; such cases are not very common, 859—Foreigners could hold property through trustees only on sufferance; the Crown might seize it if it thought fit, 860, 861—A person should hold allegiance to only one country; that is the American principle, 862, 863. 877-883—In Mexico foreigners cannot hold land, 864—It would be inexpedient to confer larger privileges on any foreigner, so long as he continues to bear allegiance to any foreign government; the renunciation of allegiance should be a formal one; difficulty in the way of a renunciation of allegiance as regards the children of persons naturalized, 865-873—The children remain with a sort of double allegiance and double right of property, 868.

Evils would be likely to arise from foreigners being in possession of land in this country in a greater degree than would arise from their being in possession of manufacturing capital, 874, 875—Foreigners can hold any quantity of stock, 876—The restriction under which a foreigner cannot be owner or part owner of a ship has had sometimes an injurious effect, 888-890—The access of foreigners to this country being made free, is not likely to bring in any great number of poor, 891-893—Probable effect, in the time of war, of any relaxation of our laws with respect to aliens; the Alien Act, in time of peace, is not of the slightest use or importance; it is very little acted on, 893-897—If a foreigner become *bonâ fide* resident, there is no reason why he should not be just as good and useful a landholder as any Englishman, 903. 907-911—The general opinion in America is favourable to the admission of foreigners with as little restriction as possible, 904, 905—It is very desirable that the land of Ireland should belong to those who reside in it, 906—Case of Mr. Moilliett, of Birmingham, adverted to, 908-910—Leaving the entire power to the Crown might be open to considerable constitutional objections, 912-914.

*Athlone*, Earl of. Seventh in descent from Godart de Ginckell, created 1691-2; claimed and was admitted to take his seat in the Irish House of Peers, in 1795, more than a century after his family had resided in Holland, *Rep.* x—Difficulties arising from the words of the two statutes of the 4th Geo. 2, c. 23, and the 13th Geo. 3, c. 21, in the case of the fourth generation of subjects born abroad; case of General de Ginckell, who was created Earl of Athlone, *Right Hon. C. W. W. Wynne*, 779-784. 786-789. 793.

*Austria.* In the Austrian dominions, including Lombardy, foreigners are enabled to hold lands without being denizens or naturalized subjects, *M<sup>r</sup> Gregor* 331-335—Effect of the granting rights of citizenship to foreign artizans in the Austrian dominions, *Ib.* 338-340.

## B.

*Bacon*, Lord. His definition of the three degrees of persons in naturalization, *Rep.* ix.

*Bassegio*, Signor. Case of an Italian, named Bassegio, naturalized in Ireland under the Irish statutes, and holding an office of trust, *Stock* 239-241.

*Bavaria.* Evidence respecting the manner in which naturalization is obtained in Bavaria, from information received from the Baron de Cetto, *Gem* 583-585.



Report, 1843—continued.

*Belgium.* Policy of this country with respect to foreigners holding land, *M'Gregor* 331-335—Law of Belgium with respect to the naturalization of foreigners, *Ward* 659-665—The Belgian government has a rule, founded on their constitution, that foreigners in Belgium should be precisely in the same relative situation as Belgians in other countries; from this cause an Englishman in Belgium would suffer from the effect of the restrictive laws of England, *Ib.*—A foreigner must acquire the ordinary rights of citizenship in order to be able to purchase and hold land, *Ib.* 704.

*Bianconi, Signor.* Refusal of an application to the Privy Council of Ireland for naturalization, by Signor Bianconi, *Stock* 253.

*Birth.* Explanation of the common and statute law with reference to the circumstances under which persons born out of liegeance of the king, are held to be natural-born subjects, *Rep.* ix. x—Where both parents live in allegiance to the sovereign, and the wife being temporarily abroad with consent of the husband, a child is born, it is not an alien, *Vizard* 4—Children of aliens born in England are natural-born subjects, *Ib.*—Case of a gentleman, the son of an Englishman, born abroad; difficulties in which he was involved by being an alien, though in every respect an English gentleman of fortune, *Ib.* 38-42—The legitimate son of an English father, born abroad, is not an alien; the son of an English mother, born abroad, would be an alien, *Ib.* 57-60—Construction of the Act 25 Edward 3, in reference to the birth of the children of British parents out of England, *Ib.* 81-83—Remarkable instance of a gentleman born abroad, and coming to this country when a child, being unable to hold any office, even that of petty constable, *Lord Brougham* 92.

*Brougham and Vaux, Right hon. Lord.* (Analysis of his Evidence.)—All the disqualifications of aliens are not necessary; a discretion should be left to the Legislature in each case, 85—Various alterations which have been made in the Act of Settlement, 86, 87—Absurdity of the law and practice which strictly exclude foreigners from minor offices and admit princes and princesses to the most influential political offices, 87, 88—Much greater danger arose from the employment of foreign troops during the war than can be apprehended from foreigners holding office, 89—Foreigners now hold commissions in the army, 90—Law of France with respect to aliens explained, 91—Remarkable instance of a gentleman born abroad and coming to this country, when a child, being unable to hold the office of petty constable, 92—The Crown should not be allowed to confer a right to sit in Parliament or the Privy Council; this should be reserved for Parliament, 94.

The Royal Assent to a Naturalization Act should be given previously, 94—Now that the reigning family have been so long naturalized, there is no need of such jealousy of foreigners as prevailed when the Act of Settlement was passed, 95, 96—The Act of Settlement does not interfere with holding property, but only with offices; instance in which they might be connected, 99—A naturalization ought not to affect the titles of others by being retrospective, 100-103—There should be two kinds of naturalization, one as regards property, which should be obtained from the Crown or by residence for a certain time, as in France; the other, as regards the holding of office, should be granted by Parliament, 100, 104, 105—As regards the holding of land, the law of France does not recognize any distinction between a foreigner and a native, 106—It should be the duty of some officer, on behalf of the Crown, to inquire into the circumstances of each party applying for a Naturalization Act, 107-109—If Acts of Parliament must be obtained to naturalize persons, many names might be included in an annual Act, 111—Anomaly of permitting a foreigner to hold a million of money in the funds, but not an acre of land, 111, 112.

*Burnet, Bishop.* Extract, relative to the Naturalization Act 7 Anne, *Stock* 260.

### C.

*Chatham, Earl of.* The General Naturalization Bill was strongly supported by him in 1751, *Stock* 263.

*China.* The Tartars in China are considered as foreigners, *Ward* 682.

*Civil Rights.* Incapacity from attaining the civil rights and privileges of a subject of the country induces foreigners to leave this country after having attained property here, *M'Gregor* 395—Witness would give them political rights, and would go as far as the United States have gone in civil rights, *Ib.* 397-402—A person naturalized has greater rights than a denizen, *Phillipps* 490—How far witness would extend the privileges of a natural-born subject; it should be left entirely to Parliament in each case, *Right hon. C. W. W. Wynne* 807-810, 813-815, 818-823—There is no reason for extending the privileges which are now accessible to foreigners by an Act of Naturalization, *Lord Ashburton* 856, 857.

*Commerce.* Most of the commercial states of Europe have pursued the policy of inviting foreigners to settle in those countries, especially foreigners to be engaged in manufactures, *M'Gregor* 342—How far the prohibitions on foreigners operates on commercial pursuits, *Phillipps* 508-512—The facility of naturalization is most highly estimated in a

*Commerce*—continued.

commercial country, *Ward* 674-676—Witness has never found any instance on the Continent in which the introduction of foreigners has been prejudicial to the State; in commercial places it has acted very beneficially, *Ib.* 714-721.

*Commercial Rights.* Aliens cannot claim any commercial benefits by virtue of British treaties with other states, *Rep.* iii—Naturalized foreigners having resided seven years after naturalization, become entitled to the benefit of British treaties in their commercial transactions with foreign states, *Ib.* iv—The necessity of the restriction upon foreigners would be superseded if the intent to settle in this country were made a condition of naturalization, *Ib.* viii—Restriction upon aliens naturalized from taking advantage of commercial privileges extended to British subjects by treaties with foreign powers, until after a residence of seven years, *Kinglake* 127, 128.

*Commissions in the Army.* During the war foreigners were allowed to hold commissions by Act of Parliament; they are otherwise disabled, *Vizard* 44-47.

See also *Army and Navy*.

*Consolidation of the Law.* Expediency of consolidating and revising the scattered enactments regarding aliens, *Rep.* xi.

*Corporate Cities (Ireland).* Conditions under which foreign Protestants became entitled to the freedom of corporate cities, by Act 14 & 15 Chas 2, c. 13, *Stock* 217-219.

See also *Drogheda Corporation.* *Dublin Corporation.*

*Corporations.* An extension of the rights of foreigners would formerly have deprived corporations of dues collected from foreigners, particularly in the city of London, *Stock* 264.

*Cost of Acts of Naturalization.* Impediments arise to foreigners coming here with their capital and skill, under the present law, from the difficulty and expense of obtaining Acts of Naturalization, *M'Gregor* 362-369. 371-375.

See also *Naturalization Acts.*

## D.

*Denization, Letters of.* Rights conferred by letters of denization enumerated, *Rep.* iii—The cost of letters patent is 120 *l.*; but the practice is to wait until there are seven applicants to be included, *Ib.* v—Should give all the privileges now obtained through a Naturalization Act, and some others also, *Vizard* 48—Several parties, by waiting, can be included in letters of denization, so as to share the fees; letters might be granted separately, at the same cost, *Ib.* 61-68—Rights and privileges enumerated, which letters of denization ought to confer, *Ib.* 72, 73—There is the same form of denization in Ireland as in England, *Stock* 211—There have been instances in which the Secretary of State has refused to grant letters of denization, *Phillipps* 494—There might be some inconvenience if letters of denization were abolished and naturalization established in its place, *Ib.* 513-516—Reason for witness taking out letters of denization rather than an Act of Naturalization, *Mallet* 609-611.—See also *Home Office*.

*Denizens.* A denizen may purchase land, but cannot transmit it to his children born prior to his denization, *Vizard* 16-17—He can hold no place or office of trust; he cannot sit in Parliament, nor be a member of the Privy Council, nor take any grant from the Crown, *Ib.* 18—Process by which persons become denizens; petition to the Secretary of State referred to the Attorney-General; letters patent under the Great Seal; amount of fees, &c., *Ib.* 19.—See also *Denization, Letters of*.

*Disqualifications of Aliens.* In what they consist, *Vizard* 12-18—They are not all necessary; they might be left to the Legislature in each particular case, *Lord Brougham* 85.

*Distinguished Foreigners.* All the rights of citizens have been conferred on highly distinguished foreigners, as Prince Leopold and Prince Albert, *Kinglake* 169. 172.

*Drogheda Corporation.* Admission of foreigners thereto confers naturalization, *Rep.* xi.

*Dublin Corporation.* Foreigners admitted therein are naturalized, *Rep.* xi.

*Durovrou v. Jones.* Decision in that case in respect of the rights of children born abroad, *Rep.* x.

## E.

*Elections.* Denizens, when otherwise qualified, may vote at election for Members of Parliament, *Rep.* iii.

## F.

*Forfeiture.* Foreigners have frequently purchased property or taken a lease of a house, not knowing that the law subjects them to forfeiture; witness has not known any instance of forfeiture being enforced, *Phillipps* 479-481. 483,

*France.* Law of France with regard to aliens; fully explained, *Lord Brougham* 91—As regards land, the law of France does not recognise any distinction between a foreigner and a native, *Ib.* 106—In France a foreigner is at liberty to take real property without obtaining any permission from the crown or legislature, *M'Gregor* 301—A person may go from this country to France and purchase and hold property there without having any domicile, and also have all the advantages of the French laws, to sue and be sued, *Ib.* 341—Evidence respecting the *grande et petite naturalisation* in France; case of M. Benjamin Constant, *Ward* 666-673.—See also *Lettres de Grande Naturalisation*.

*Funds.* Foreigners can hold any quantity of stock in this country, *Lord Ashburton* 876—Anomaly of permitting a foreigner to hold a million of money in the funds, but not an acre of land, *Lerd Brougham* 111, 112.

## G.

*Gem, Harvey.* (Analysis of his Evidence.)—Solicitor residing in Lincoln's-inn-Fields; has had occasion to pay attention to the laws affecting aliens and foreign-born persons, 567, 568—Hardship of the laws as exhibited in the case of Mr. John Lewis Moilliet; although established in this country and holding landed property, his family settled here, and himself intending to remain, he could not be included within the class of those were eligible to Parliament, 569-574. 576-579. 590, 591-2—Laws of Switzerland with relation to foreign-born persons, 580—Extract of a letter from Baron Werther, Chargé d'Affaires of Prussia in 1839, with respect to the laws of Prussia on this subject, 580, 581—Information obtained from Baron de Gersdorf respecting the alien laws of Saxony, 581, 582—Evidence respecting the manner in which naturalization is obtained in Bavaria, from information received from the Baron de Cetto, 583-585—Information from Count Mandelsloh, Minister of Wurtemburgh in this country, respecting the alien laws of Wurtemburgh, 586-588—State of the laws in Hanover, 589.

*Ginckell, General De.* See *Athlone*, Earl of.

*Grants from the Crown.* Hardships caused by the exclusion of aliens from taking grants from the Crown, *Kinglake* 119—There is no objection to the repeal of the clause, in all Naturalization Acts, exempting the Crown from granting lands to naturalized foreigners, *Phillips* 518.

*Greffulke, Mr.* Mr. Greffulke was under no inconvenience arising from any disabilities from the state of the law with respect to his position in London as a merchant, *Lord Ashburton*, 852, 853—He stated that he should probably have remained in England, if he had been able to sit in Parliament, *Ib.* 853.

## H.

*Hallam, Mr.* His opinion cited with reference to the Act 12th and 13th Will. 3, c. 2, *Rep.* iii.

*Hamburgh.* By the law of Hamburgh any person taking up his *bonâ fide* residence there, may obtain the rights of citizenship and naturalization on payment of a moderate sum, equal to a few pounds English, *Ward* 641-643—It is very usual for English merchants and merchants of other countries to take out letters of naturalization in order to hold landed property there, *Ib.* 644-647—Foreigners thus naturalized are eligible to offices; instances of a foreigner holding one; the offices are comparatively few there, *Ib.* 648-652.

*Hanover.* State of the alien laws in Hanover, *Gem* 589; *Ward* 653-658.

*Hanse Towns.* Success with which the ingenuity and interprise of foreign countries were attracted there by the boon of citizenship, *Rep.* vi.

*Hemp and Flax Manufacturers.* The rights of citizenship granted to all foreigners engaging therein, by an Act of Charles II. *Rep.* vi.

*Holland.* Advantage with which that country attracted the skill and enterprise of foreigners by the boon of citizenship, *Rep.* vi—Laws of that country with respect to foreigners holding lands, *M'Gregor* 331-335—The prosperity of Holland is attributable to the policy of inducing foreigners to settle there, *Ib.* 347-350.

*Home Office.* Proceedings adopted in this office with regard to parties applying to the House of Lords for Acts of naturalization, *Phillipps* 460-465—Certificate given; to whom transmitted; nature of the certificate given by the Secretary of State; information obtained respecting the conduct of the petitioner, *Ib.*—Witness has not known an

*Home Office*—continued.

instance of a certificate being refused, *Phillipps* 466, 467—The same form is required in the case of ladies applying for naturalization, *Ib.* 469—During the war there was occasional difficulty created at the Home Office, *Ib.* 470, 471—Average annual number of applications for certificates, *Ib.* 472—Class of persons who usually apply for Bills of naturalization, *Ib.* 474—There is no expense attached to the application for naturalization, so far as the Home Office is concerned, *Ib.* 475-477—Course adopted by parties applying at the Home Office for letters of denization; number of applications made in the course of the year, *Ib.* 478. 482. 484-489. 491-493. 504—Return of all fees and expenses charged upon letters patent of denization; stating the number of names usually included in one patent, so far as the same relates to the Home Department, *Ib.* 507—Course now pursued by the Secretary of State with regard to an Act of Naturalization; further steps which might be taken by him, *Right hon. C. W. W. Wynne* 813, 814. 846-848.—See also *Inquiries*. *Secretary of State for the Home Department.*

*Hope, Mr.* Case of Mr. Hope; there would be no objection to vesting him with the commission of the peace, *Right hon. C. W. W. Wynne* 811.

*Houses.* Aliens cannot take houses on lease for years without danger of forfeiture, *Rep.* iii—Aliens may hold houses, and purchase personal property for the purposes of trade, *Vizard* 13-15.

## I.

*Immigration of Foreigners.* Profit derived by this country, at different times, from the immigration and settlement of industrious foreigners, *Rep.* iv.

*Inheritance.* Foreigners having purchased land here ought to be able to devise it to a foreigner, *Phillipps* 553-562—It is a great hardship that the son of an alien father and an English mother, born out of the allegiance, cannot inherit, *Ward* 722-731. 747-776—Extreme uncertainty with regard to the descendants of British subjects, *Right hon. C. W. W. Wynne*, 785—Decision in the Court of Queen's Bench in the case of Furry; by this decision the son of an English mother, though not of an English father, would not be entitled to inherit, *Ib.* 793-795—Witness would admit the son of a British mother at once, and would give him all the privileges of citizenship; but would not extend it beyond the first generation, unless after a certain residence in Great Britain, *Ib.* 830-836. 839-841.

*Inquiries.* As it is proposed to confer more extensive privileges on foreigners, the Secretary of State should require of each candidate further proofs of his fitness than are now exacted, *Rep.* vi.—It should be the duty of some officer, on behalf of the Crown, to inquire into the circumstances of each party applying for a Naturalization Act, *Lord Brougham* 107-109.—See also *Home Office*. *Secretary of State.*

*Ireland.* Principle of the Irish Act, 14 & 15 Chas. 2, c. 13, and of succeeding Acts of the Irish Parliament; extensive privileges conceded to foreigners thereby, *Rep.* vi. vii—Propriety of following this precedent in England, *Rep.* vi—The common law of Ireland with regard to aliens is the same as that in England, *Stock* 210—Before the Union the Irish legislature had the power of conferring the rights of naturalization by Act of Parliament, *Ib.* 212—Statute of 14 & 15 Chas. 2, c. 13, for naturalizing foreign Protestants, *Ib.* 213-216—The authorship of the Act of Chas. 2 referred to Sir W. Temple; this Act continued by 2 Anne, c. 14, and made perpetual by 4 Geo. 1, c. 9, with a preamble stating that it had been found highly beneficial, *Ib.* 228, 229—Act of 1780, 19 & 20 Geo. 3, c. 29, naturalizing foreign merchants, traders, artificers, &c. settling in Ireland on taking the oaths of allegiance and abjuration, without reference to religious persuasion, *Ib.* 230-234—Remarkable Act, 23 & 24 Geo. 3, c. 38, fully naturalizing all persons except Jews who settled in Ireland, and had resided three years, *Ib.* 235, 236—Act 36 Geo. 3, c. 48, requiring a licence from the Lord Lieutenant; construction of these several Acts taken together, as to the law of naturalization in Ireland, *Ib.* 237, 238—The law of Ireland, as regards foreigners, scarcely needs amendment, *Ib.* 242—Further evidence relative thereto, *Ib.* 243-252—The reasons assigned in the Act of Chas. 2 for the admission of foreigners into Ireland, were the waste and desolation of the country, and the necessity of encouraging foreigners to manufacture the raw materials instead of sending them abroad, *Ib.* 267, 268—Foreigners could not be introduced into Ireland except by some forced measure, *M'Gregor* 403-406—Nature of the law now in operation in Ireland with regard to foreigners, *Right hon. C. W. W. Wynne* 799-801—It is very desirable that the land of Ireland should belong to those who reside in it, *Lord Ashburton* 906.

## J.

*Jacquard Loom.* The jacquard loom, which is now used so advantageously in this country, was the manufacture and invention of a foreigner, *M'Gregor* 378.

Report, 1843—*continued.*

*Jealousy of Foreigners.* Now that the reigning family have been so long naturalized, there is no need of such jealousy of foreigners as prevailed when the Act of Settlement was passed, *Lord Brougham* 95, 96—The provisions of the Act of Settlement relating to foreigners were passed on account of the jealousy existing of a foreign sovereign, *Kinglake* 160-163.

*Jews.* A Jew cannot be naturalized, because the form of the oath required to be taken would exclude him, *Walmisley* 275-277. 288, 289—Act of the 13 Geo. 2, *ipso facto* naturalizing foreign Jews residing seven years in British colonies, *Ward* 694-697. 705, 706.

*Judicial Court of the Privy Council.* Suggested as a fit body for inquiring into the propriety of granting the rights of naturalization according to legal forms, *Kinglake* 129-133.

*Justices of the Peace.* There need be no general disqualification of naturalized foreigners for that office, the fitness of each individual being left to the executive, *Rep.* vii.

## K.

*Kinglake, A. W.* (Analysis of his Evidence.)—A barrister, and drew the bill recently introduced, 113-115—Denizens should possess all the rights now conferred by a Naturalization Act, and the power of holding offices not political; the Legislature should grant the right of sitting in Parliament and in the Privy Council, 116-119—Hardship caused by the exclusion of aliens from taking grants from the Crown, 119—A stronger test should be required of persons applying to be naturalized than mere passive obedience, such as an intention to reside, 120-123—Variety of occasions upon which the Act of Settlement has been altered, 124, 125—Provision of Act 13 Geo. 3, that the paternal grandchildren of English born subjects, born abroad, shall be considered natural-born subjects, 125, 126—Restriction upon aliens naturalized from taking advantage of commercial privileges extended to British subjects by treaties with foreign powers, until after a residence of seven years, 127, 128—The Judicial Committee of the Privy Council suggested as a fit body for inquiring into the propriety of granting the rights of naturalization, according to legal forms, 129-133—Intricacy of the forms observed preparatory to the granting of letters patent for inventions, 133-137—Foreigners should not be obliged to take the oath at the Bar of the House of Lords; the oath might be taken before one of the judges on circuit, or a master extraordinary in Chancery, 137—The Act of Queen Anne for the naturalization of foreign Protestants required the oath to be taken in any court of justice in the kingdom, 138-140.

Act 15 Chas. 2, c. 15, granting the rights of citizenship to foreigners engaged in the manufacture of linen cloth and tapestry, 141-144—Provision of an unrepealed statute of Anne, granting the entire right of citizenship to foreigners who have served for two years on board any British ship, 145-147—Foreigners should not be restrained from purchasing land, even without denization or naturalization, 148. 150—Inconsistencies of the various laws relating to foreigners, 151—The effect of a naturalization should be retrospective as regards property; it is so now in a common Naturalization Act, 152-159—The provisions of the Act of Settlement relating to foreigners were passed on account of the jealousy existing of a foreign sovereign, 160-163—Persons serving in the army and navy would be more reasonably objects of jealousy than others, and yet aliens have been allowed, and even encouraged, to serve, 164-168—The clause of the Act of Settlement, providing that every Naturalization Act shall contain certain clauses, is simply null and void, 170—All the rights of citizenship have been conferred on highly-distinguished foreigners, as Prince Leopold and Prince Albert, 169. 172—The law with regard to aliens should be condensed and made consistent with itself, 172—Our laws are more severe against foreigners than the laws of France, but not so severe as the laws of China, 173. 174—No other rights of property should be given but such as are contained in ordinary Naturalization Acts, except a capacity to receive grants from the Crown, 175—Under the Registration Acts a foreigner cannot be owner or part owner of a British vessel; litigation caused thereby, 176-180—Foreigners should have the right of purchasing and transmitting property without limitation, 181—Three degrees of naturalization proposed and explained, 182, 183—Parliament might contravene the clauses of the Act of Settlement without expressly repealing them, 184-186—Facilities should be given to the holding of all offices, except a seat in Parliament and in the Privy Council, 187—Russia has been denationalized to some extent by the admission of foreigners, but the country has been improved by it, 188—The national institutions of no country have been injured by the admission of foreigners, 189—Preamble of Act 7 Anne, c. 5, stating the advantages of naturalizing foreigners, contrasted with the Act of Richard the Third, 191-193—A more strict construction should be put upon the oath of allegiance; the difficulty of a double allegiance should be settled by the party applying for naturalization, 194-206—Rights of foreign seamen serving two years in British vessels, 207, 208.

## L.

*Labourers.* The relaxation of our laws would not tend to introduce any large proportion of labourers; it would rather introduce ingenious artizans, *M<sup>c</sup>Gregor* 410-413.

See also *Artizans*.

*Lands.* An alien cannot hold lands; they cannot descend to him, and if he purchases they become forfeited to the Crown, *Vizard* 12—Foreigners should not be restrained from purchasing land, even without denization or naturalization, *Kinglake* 148, 150—There is no objection to allowing all persons, whether naturalized or not, to purchase real property in this country; the power of removing all disabilities, such as holding a seat in the Privy Council and the Legislature, should not be taken from the Legislature, *Ward* 732, 733, 741—Witness would not have any objection to foreigners holding land without any express permission, *Right hon. C. W. W. Wynn* 811, 812—The power of holding real estates should be confined to British subjects, *Lord Ashburton* 858, 884-887, 898-902—The law which now exists is constantly evaded; case in which witness held an estate in Worcestershire for Lucien Buonaparte; such cases are not very common, *Ib.* 859—Foreigners could hold property through trustees only on sufferance; the Crown might seize it if it thought fit, *Ib.* 860, 861—Evils would be likely to arise from foreigners being in possession of land in this country in a greater degree than would arise from their being in possession of manufacturing capital, *Ib.* 874, 875—If a foreigner became *bonâ fide* resident, there is no reason why he should not be just as good and useful a landholder as any Englishman, *Ib.* 903, 907-911.—See also *Real Property*.

*Letters Patent.* Intricacy of the forms observed preparatory to the granting of letters patent for inventions, *Kinglake* 133-137.

*Lettres de Grande Naturalisation* (France). Nature of the alien laws in France described; evidence respecting the *lettres de grande naturalisation*; instance of foreigners having attained these letters; case of Monsieur Rossi; case of Benjamin Constant, *M<sup>c</sup>Gregor* 302-324—There is no expense in obtaining the *grande naturalisation* in France, if for services, *Ib.* 396.—See also *France*.

## M.

*M<sup>c</sup>Gregor, John.* (Analysis of his Evidence.)—Is engaged in the department of the Board of Trade; has paid attention, to a certain extent, to the English laws affecting aliens; is acquainted with the laws of some other countries relating to the same subject, 297-299—The laws of England are far more rigid than those prevailing in other countries, 300—In France, a foreigner is at liberty to take real property without obtaining any permission from the Crown or Legislature, 301—Nature of the law in France described; evidence respecting the *lettres de grande naturalisation*; instances of foreigners having obtained the *grande naturalisation*; cases of Monsieur Rossi and Benjamin Constant, 302-324—Laws of Prussia on the subject of naturalization; it has been her policy to encourage foreigners to settle there, 325-330—In the Austrian dominions, including Lombardy, foreigners are enabled to hold lands without being denizens or naturalized subjects; this is also the case in the kingdom of Naples, Holland, and Belgium; result of this policy of the admission of foreigners in those countries, 331-335—The result of this policy has at all times been considered exceedingly advantageous to Prussia, 335-337—Effect of the granting of rights of citizenship to foreign artizans in the Austrian dominions, 338-340—A person may go from this country to France, and purchase and hold property there without having any domicile, and also have all the advantages of the French laws, to sue and be sued, &c., 341—Most of the commercial states of Europe have pursued the policy of inviting foreigners to settle, especially foreigners to be engaged in manufactures, 342—Policy pursued by Venice in relation to foreigners; the great height of prosperity to which the arts arrived in Venice is in a great degree attributable to the policy of inducing foreigners to settle there, 343-347—The prosperity of Holland is attributable to the same causes, 347-350—Great advantage we have received in the progress of our manufactures from immigration, in the calico printing, the woollen manufacture, the silk manufacture, watch making, hats, &c. 351-361.

Impediments arise to foreigners coming here with their capital and skill, under the present law, from the difficulty and expense of obtaining Acts of Naturalization; greater good would result if more facilities for their introduction were given, 362-369, 371-375—The Swiss have generally returned to their own country after earning money; instance of a Swiss who could not go to the expense of being naturalized, while a very rich man on the Stock Exchange, Mr. Maubert, who could afford it well, settled here under an Act of Naturalization, 370, 394—Branches of manufacture in which the works of the foreigner are superior to those produced in this country; if we could establish a manufactory of silk and glass equal to those which exist in other countries, we should increase the means of employing our people, 376-380—The Jacquard loom, now used so advantageously in this country, was the manufacture and invention of a foreigner, 378—The French artists are superior in all works of taste in silk; they are also superior in their dyes, 381, 382.

## Report, 1843—continued.

*M'Gregor, John.* (Analysis of his Evidence)—continued.

384—Our glass is superior to that of all other countries, except Bohemia, 383—One of the causes of the immigration of foreigners into this country was the persecution to which they were exposed in the States from which they came; these causes have now ceased to exist, and therefore have ceased to send those to our country as engaged in manufactures, 385-391—It would be desirable that we should permit foreigners, without any denization or naturalization, freely to purchase land, and to enjoy the same rights as those enjoyed in France, 392, 393.

Incapacity to attain the civil rights and privileges of a subject induces foreigners to leave this country after having attained property here, 395—There is no expense in obtaining the *grande naturalisation* in France, if for services, 396—Alteration witness would propose to induce foreigners to remain here; witness would give them political rights, and would go as far as the United States have gone in civil rights, 397-402—The prosperity of the United States of America is entirely arising from its liberal policy with respect to foreigners, 403-406—Giving those facilities in this country would not tend to the extermination of the English race, as was stated by a Member of Parliament in the time of William the Third, 407.

Foreigners could not be introduced into Ireland except by some forced measure, 408, 409—The relaxation of our laws with regard to aliens would not tend to introduce any large proportion of labourers; it would rather introduce ingenious artizans, 410-413—One of the greatest difficulties in connexion with a foreigner being engaged in business in this country is, that he cannot become the possessor of a share of a ship, 415-419—Foreign sailors in English ships become naturalized in time of war by service of a certain period; during peace, the Navigation Act prevents their being employed, 420, 421—Witness would recommend the introduction of a clause into any measure, removing the restriction on a foreigner holding British vessels, 422-432—One of the causes which prevent foreigners from settling in this country, is, that they cannot purchase or hold lands; the possession of land would be deemed very valueless by most thinking foreigners, unless they enjoyed the political rights which those lands give to British subjects, 433-438—Law in the United States with regard to aliens, 439-457.

*Mallet, John Lewis.* (Analysis of his Evidence.)—Secretary of the Audit Office, 593—Is not a native-born subject of the British Crown; has never experienced any inconvenience during his residence in this country from this circumstance, 594, 595—Circumstances under which he has had reason to complain of the operation of the British laws relative to persons of foreign birth; case of his making application for the office of Commissioner of the Audit Office, 596-602—Has not been naturalized, but is a denizen; this made no difference with respect to his application, 603-607—Reason for witness taking out letters of denization rather than an Act of Naturalization, 609-611—No objection was ever taken to witness holding his office on the ground of his being a foreigner, 612, 613—Letters of denization and Acts of Naturalization deal practically only with questions of real property; they convey no capacity for holding offices of trust, 614, 615—Harsh operation of our naturalization laws in the case of Mr. Moilliett, of Birmingham, 616-621—Evidence with respect to the admission of foreigners into the Swiss states; it is generally extremely easy; how far within the last 15 years this has been attended with injurious consequences, 622-638.

*Manufactures.* Act 15 Charles 2, c. 15, granting the rights of citizenship to foreigners engaged in the manufacture of linen cloth and tapestry, *Kinglake* 141-144—Great advantage we have received in the progress of our manufactures from the immigration of other countries, in the calico printing, the woollen manufacture, the silk manufacture, watch-making, hats, &c., *M'Gregor* 351-361—Branches of manufacture in which the works of the foreigner are superior to those produced in this country; if we could establish a manufactory of silk and glass equal to those which exist in other countries, we should increase the means of employing our people, *Ib.* 376-380—The French artists are superior in all works of taste in silk; they are also superior in their dyes, *Ib.* 381, 382, 384.—One of the causes of the immigration of foreigners into this country was the persecution to which they were exposed in the states from which they came; these causes have now ceased to exist, and therefore have ceased to send them to this country as engaged in manufactures, *Ib.* 385-391.

*Maubert, Mr.* Case of Mr. Maubert, a foreigner, obtaining an Act of Naturalization, *M'Gregor* 370. 394.

*Mexico.* In Mexico foreigners cannot hold land, *Lord Ashburton* 864.

*Mint, The.* Importance of encouraging the settlement of foreigners proved by the necessity of resorting to their assistance at the Mint, *Stock* 227.

*Mixed Marriages.* The son of a British father, although the mother be an alien, would be a natural-born subject, *Vizard* 43.

*Moilliett, Mr.* Hardship of the alien laws as exhibited in the case of Mr. John Lewis Moilliett; although established in this country, his family settled here, and himself intending to remain, he could not be included within the class of those who were eligible to Parliament, *Gem* 569-574. 576-579. 590, 591-2—Harsh operation of our naturalization laws, in the case of Mr. Moilliett, of Birmingham, *Mallet* 616-621.

## N.

*Naples.* Policy of this country with respect to foreigners holding lands, *M'Gregor* 331-335.

*National Institutions.* The national institutions of no country have been injured by the admission of foreigners, *Kinglake* 189.

*Naturalization Acts.* Expenses and delays attendant thereon; forms observed; expediency of giving greater facilities to foreigners, *Rep.* iii—Means of obtaining Naturalization Acts; certificate of the Secretary of State; they pass as a matter of form; the party takes an oath at the bar of The House, or, if it originate in the Commons, then before the Speaker, *Vizard* 20-29—A person naturalized acquires all the rights of a British-born subject, except as regards the holding of offices, civil or military, the Privy Council, the Parliament, and taking grants from the Crown, *Ib.* 31—Expenses of obtaining an Act of Naturalization, *Ib.* 32—A Naturalization Act depends practically upon the certificate of the Secretary of State, *Ib.* 50—The expenses would not be too heavy, if further rights were extended by a Naturalization Act, *Ib.* 51-56—Form of procedure in obtaining Naturalization Acts; certificate from the Secretary of State; oaths taken at the bar of the House of Lords, and appearance before the Committee on the Bill, *Walmisley* 272-274. 278-280—A Naturalization Act is never opposed by parties thinking it will affect their interests, *Ib.* 281-284. 296—Expenses of a Naturalization Bill, *Ib.* 293-295—Form of a Naturalization Bill delivered in, *Ib.* 296—Expediency of substituting, for the present law, a cheaper and more expeditious form, by which foreigners might obtain the rights of natural-born subjects, *Ward* 734. 740. 742-746.

See also *Acts of Parliament.* *Cost of Acts of Naturalization.* *Home Office.*  
*Secretary of State.* *Vested Rights.*

*Naturalizations.* There should be two kinds; one, as regards property, should be obtained from the Crown, or by residence for a certain time, as in France; the other, enabling persons to hold office, should be granted by Parliament, *Lord Brougham* 100. 104, 105—Denizens should possess all the rights now conferred by a Naturalization Act, and the power of holding offices not political; the Legislature should grant the right of sitting in Parliament, and in the Privy Council, *Kinglake* 116-119—Three degrees of naturalization proposed and explained, *Ib.* 182, 183—Preamble of the Act 7 Anne, c. 5, stating the advantages of naturalizing foreigners, contrasted with the Act of Richard 3, *Ib.* 191-193.

*Naturalized Foreigners.* May transmit real property to their children, without reference to the time of their birth, and after seven years' residence enjoy the benefits of British treaties, *Rep.* iv—The number naturalized does not, on an average, exceed eight in a year, *Ib.* v.

*Northern Whale Fisheries.* Foreigners serving three years therein are naturalized, *Rep.* xi.

## O.

*Oaths.* Foreigners should not be obliged to take the oaths at the bar of the House of Lords; they might take them before one of the judges on circuit, or a master extraordinary in Chancery, *Kinglake* 137—The Act of Queen Anne required the oath to be taken in any court of justice in the kingdom, *Ib.* 138-140—The oaths of allegiance, supremacy, and abjuration are taken by Protestants, and the oaths prescribed in the Relief Act by Roman-catholics, on applying for a Naturalization Act, *Walmisley* 286, 287.

*Offices under the Crown.* Aliens are absolutely excluded from all places and offices of trust, civil and military, *Rep.* iii—An alien can hold no place or office of trust under the Crown, *Vizard* 13. 18—Foreigners naturalized should be able to hold offices and take grants from the Crown, *Ib.* 48—Absurdity of the law and practice which strictly exclude foreigners from small offices without influence, and admit princes and princesses to the most influential political offices, *Lord Brougham* 87, 88—Much greater danger arose from the employment of foreign troops during the war than can be apprehended from foreigners holding office, *Ib.* 89—Facilities should be given to the holding of all offices, except a seat in Parliament and in the Privy Council, *Kinglake* 187—Circumstances under which witness has had to complain of the operation of the British laws, with relation to persons of foreign birth; cause of his making application for the office of Commissioner of the Audit Office, *Mallet* 596-602—Letters of denization and Acts of Naturalization deal practically only with questions of real property; they convey no capacity for holding offices of trust, *Ib.* 614, 615—Rights a foreigner can acquire by naturalization in this country; practically no Act of Parliament conveys to any foreigner the capacity of holding any office of trust, however subordinate, *Right hon. C. W. W. Wynn* 802-805—If foreigners be admitted to the enjoyment of the rights of acquiring property, of suing and being sued as other British subjects, there is no reason why they should not be admitted to the enjoyment of civil offices, *Ib.* 837, 838.



## P.

*Parliament.* If a naturalized foreigner wished to have the privilege of sitting in Parliament, Parliament alone should give that power, *Vizard* 68—The Crown should not be able to confer a right to sit in Parliament or in the Privy Council; this should be reserved for Parliament itself, *Lord Brougham* 94.

*Passive Obedience.* A stronger test should be required of persons applying to be naturalized than mere passive obedience, such as an intention to reside, *Kinglake* 120-123.

See also *Allegiance*.

*Paternal Grandchildren.* Provision of Act 13 Geo. 3, that the paternal grandchildren of English-born subjects, born abroad, shall be considered natural-born subjects, *Kinglake* 125, 126.

*Peace.* In time of peace the Alien Act is not of the slightest use or importance, it is very little acted upon, *Lord Ashburton* 893-897.

*Personal Property.* Aliens are debarred from the possession of some descriptions of personal property, *Rep.* iii—The personal property of a foreigner domiciled in England would follow the English law of descent, *Vizard* 69-71.

See also *Funds*.

*Phillipps, Samuel March.* (Analysis of his Evidence.)—Under Secretary of State for the Home Department; has been in that office between 15 and 16 years, 458, 459—Proceedings adopted in that office with regard to parties applying to the House of Lords for Acts of Naturalization; certificate given; to whom transmitted; nature of the certificate given by the Secretary of State; information obtained respecting the conduct of the petitioner, 460-465—Witness has not known an instance of a certificate being refused, 466, 467—The same form is required in the case of ladies applying for naturalization, 469—During the war there was occasional difficulty created at the Home Office, 470, 471—Average annual number of applications for certificates, 472—Class of persons who usually apply for Bills of Naturalization, 474—There is no expense to the applicant for naturalization, so far as the Home Office is concerned, 475-477—Course adopted by parties applying at the Home Office for letters of denization; number of applications made in the course of the year, 478. 482. 484-489. 491-493. 504—Foreigners have frequently purchased property, or taken a lease of a house, not knowing that the law subjects them to forfeiture; witness has not known any instance of forfeiture being enforced, 479-481. 483.

A person naturalized has greater rights than a denizen, 490—There have been instances in which the Secretary of State has refused to grant letters of denization, 494—If the stamp duty were taken off, a more numerous class of persons would apply, 495—How far inquiry is instituted, whether the grounds alleged for a letter of denization are well founded, 496-498—A foreigner, by accepting denizenship here, does not shake off his allegiance to another country, 499, 500—In the case of naturalization he has to take the oath of allegiance, but his allegiance still remains to his former country, 501, 502—Neither a Naturalization Act nor letters of denization can interfere with his duties to his own country, 503—Return of all fees and expenses charged upon letters patent of denization, stating the number of names usually included in one patent, so far as the same relates to the Home Department, 507—How far the prohibition on foreigners operates on commercial pursuits, 508-512—There might be some inconvenience if letters of denization were abolished and naturalization established in its place, 513-516—There is no objection to foreigners residing in this country being enabled to purchase property, as they would be subject to all the laws of an Englishman, 517. 522-524—Nor to the repeal of the clause in all Naturalization Acts, exempting the Crown from granting lands to naturalized foreigners, 518.

It might be inexpedient to allow a regent (a foreigner) to grant lands to foreigners not resident in this country, but it would not be so in the case of residence, 519-521—Under the old Alien Act there were means of ascertaining the total number of foreigners resident in England; this cannot be done at the present time; as the law now stands every foreigner who comes into this country is obliged to register himself; but this is not acted on in many instances, 525-532—Regulations of the present law in respect of foreigners; penalty for non-registration if carried into effect, 533-540—Number of aliens who have registered themselves on their arrival in England, under the provisions of the Act 6 Will. 4, c. 11, passed 19th May 1836, *Ev. p.* 50—Generally speaking, the law respecting aliens might be relaxed; it would be more convenient to have a general law; we could not have a measure of reciprocity; but the general policy should be liberal, 541-552—Foreigners having purchased land here, ought to be allowed to devise it to a foreigner, 553-562.

*Pianosfortes.* The manufacture thereof was introduced into England by Germans, and now Englishmen supply foreign countries and even Germany, *Rep.* iv.

*Poor.* The access of foreigners to the country being made free is not likely to bring over any greater number of poor, *Lord Ashburton* 891-893.

Report, 1843—*continued.*

*Privage and Scavage Dues.* Petition from the corporation of London in 1753, complaining of the loss that would be sustained by the remission of these dues on foreigners; the dues have since ceased, *Stock* 264, 265.

*Privy Council.* A naturalized foreigner should not be allowed to be of the Privy Council, *Vizard*, 49—See also *Naturalizations. Offices. Parliament.*

*Property.* Anomaly of permitting a foreigner to hold a million of money in the funds, but not an acre of land, *Lord Brougham* 111, 112—No other rights of property should be given but such as are contained in ordinary Naturalization Acts, except a capacity to receive grants from the Crown, *Kinglake* 175—Foreigners should have the right of purchasing and transmitting property without limitation, *Ib.* 181.

See also *Funds. Lands. Personal Property.*

*Protestants (American Colonies).* Exception in their favour as regards the alien law, *Vizard* 4—Act of 13 Geo. 2, *ipso facto* naturalizing foreign Protestants residing seven years in British colonies, *Ward* 694-697. 705, 706.

*Protestants (Ireland).* Provisions of the Act of the Irish Parliament, 14 & 15 Charles 2, c. 13, giving the rights of naturalization to foreign Protestants intending to settle there, *Stock* 213-216.

*Prussia.* Laws of Prussia on the subject of naturalization; it has been her policy to encourage foreigners to settle there, *M'Gregor* 325-330—The result of this policy has at all times been considered advantageous, *Ib.* 335-337—Extract of a letter from Baron Werther on the laws of Prussia, with respect to naturalization, *Gem* 580, 581.

## R.

*Real Property.* Aliens are debarred from the possession of, *Rep.* iii—Denizens may hold real property, but can only transmit it to such of their children as may have been born subsequent to their denization, *Ib.*—It is contended, on the one hand, that aliens should have the facilities of acquiring land which are granted in France and elsewhere; but on the other, it is maintained that the capacity to hold land should be confined to naturalized foreigners domiciled in this country, *Ib.* viii.—See also *Lands.*

*Regency.* It might be inexpedient to allow a regent (a foreigner) to grant lands to foreigners not resident in this country; but it would not be so in the case of residence, *Phillipps* 519-521.

*Registration of Foreigners.* Under the old Alien Act there were means of ascertaining the total number of foreigners resident in England; this cannot be done at the present moment; as the law now stands every foreigner who comes into the country is obliged to register himself, but this is not acted on in many instances, *Phillipps* 525-532—Regulations of the law in respect of foreigners; penalty for non-registration, if carried into effect, *Ib.* 533-540—Number of aliens who have registered themselves, on their arrival in England, under the Act 6 Will. 4, c. 11, *Ev. p.* 50—The Act requiring six months' registration is not now in existence; there is no mode of recovering the penalty of 2 *l.* under that Act, *Ward* 706-713.

*Residence.* There is no objection to foreigners residing in this country being enabled to purchase property, as they would be subject to all the laws of an Englishman, *Phillipps* 517. 522-524.

*Rights of the Crown.* Witness would give the Crown the right of conferring every privilege except the privilege of sitting in Parliament and the peerage, and so on, *Ward* 698, 699.

*Royal Assent.* The Royal assent to a Naturalization Act should be given previously, as in the case of Acts affecting the property of the Crown, or expending the money of the public, *Lord Brougham* 94.

*Russia.* That country has been denationalized to some extent by the admission of foreigners, but it has been improved by it, *Kinglake* 188.

## S.

*Sacrament, The.* Under the present law foreigners are not obliged to take the sacrament as a necessary qualification for becoming naturalized subjects, *Ward* 777.

*Saxony.* Information obtained from Baron Gersdorff respecting the alien laws of Saxony, *Gem* 581, 582.

*Scotland.* Contest in the reign of James the 1st, after the union of the Crowns of England and Scotland, whether the former inhabitants and those born after the Union should be entitled to the benefits of naturalization, *Ward* 679.

*Seamen.*

*Seamen.* Encouragement of seamen to enter his Majesty's service by offering naturalization, *Rep.* vi.—Exception as to the alien law in favour of seamen serving in the Queen's ships, *Vizard* 4—Provision of an unrepealed statute of Anne, granting the entire rights of citizenship to foreigners who have served for two years on board any British ship, *Kinglake* 145-147—Rights of foreign seamen serving two years in British vessels, *Ib.* 207, 208—Foreign sailors in English ships become naturalized in time of war by service of a certain period; during peace the Navigation Act prevents their being employed, *M'Gregor* 420, 421—Considerable arguments to be found in favour of naturalization in the Act of the 13th George the 2d, which *ipso facto* naturalized foreign seamen after a service of two years in the British Navy, *Ward* 692-694.

*Secretary of State for the Home Department.* The power of conferring or withholding from foreigners the rights of native subjects, practically resides in the Secretary of State, both in letters of denization and Acts of denization, *Rep.* v—He might advantageously be invested with full authority to grant to foreigners the rights of native subjects, as well as the capacity to fill those offices, within the scope of the present inquiry, from which they are excluded by the Act of Settlement, *Ib.* vi.

See also *Home Office. Inquiries.*

*Settlement, Act of.* The disabilities imposed on aliens by that Act have been rather aggravated than lightened by subsequent enactments, *Rep.* iii—This is the principal Act affecting the disqualification of foreigners; various changes that have been made in that Act, *Vizard* 33-37—The Act of Settlement does not interfere with the holding of property, but only with offices; how they might be connected, as in the manor of Havering-atte-Bower in Essex, *Lord Brougham* 99—Variety of occasions upon which the Act of Settlement has been altered, *Kinglake* 124, 125—The clause providing that every Naturalization Act shall contain certain clauses, is simply null and void, *Ib.* 170—Parliament might contravene the clauses of the Act of Settlement, without expressly repealing them, *Ib.* 184-186.

*Settlement of Foreigners.* One test of fitness that should be looked to by the Secretary of State, in granting naturalization, should be, the intent to settle and abide in the country, *Rep.* vi.

*Shipping.* Aliens cannot hold British registered shipping, nor shares therein, *Rep.* iii—Injurious consequences of the disabilities under which foreigners labour in respect to the possession of British shipping, *Ib.* vii. viii—Under the Registration Acts a foreigner cannot be owner or part owner of a British vessel; litigation caused thereby, *Kinglake* 176-180—Impolicy of the restriction upon aliens being owners or part owners of a British ship; its opposition to the common law, *Stock* 256-258—One of the greatest difficulties in connexion with a foreigner being engaged in business in this country is, that he cannot even become the possessor of a share of a ship, *M'Gregor* 415-419—Witness would recommend the introduction of a clause into any measure, removing the restriction on a foreigner holding British vessels, *Ib.* 422-432—The restriction under which a foreigner cannot be owner or part owner of a ship has had sometimes an injurious effect, *Lord Ashburton* 888-890.—See also *Commercial Rights.*

*Skilled Labour.* Advantages derived by a country from the immigration of foreign skilled labour, explained and illustrated, *Rep.* iv—While English artizans are settling freely abroad, and teaching foreigners our arts and processes of manufacture, we do not offer adequate inducement to strangers to settle here and teach us their arts, *Ib.* vii.

*Sovereign, The.* Children of the Sovereign born abroad are not aliens, *Vizard* 4.

*Stock, Mr. Serjeant, a Member of the Committee.* (Analysis of his Evidence.)—Judge of the Admiralty Court in Ireland, 209—The common law with regard to aliens is the same as in England, 210—There is the same form of denization, 211—Before the Union, the Irish Legislature had the power of conferring the rights of naturalization by Acts of Parliament, 212—Provisions of the 14 & 15 Chas. 2, c. 13, of the Irish Parliament, giving the rights of naturalization to foreign Protestants intending to settle there, 213-216—Conditions under which they became entitled to the freedom of corporate cities, 217-219—It has always been maintained, politically, that a British subject by acquiring rights in another country cannot throw off his allegiance to the Crown, 220-225—A foreign artizan can work for hire in this country, and recover his wages, 226—Importance of encouraging the settlement of foreigners proved by the necessity of resorting to their assistance at the Mint, 227—The Irish Act of Chas. 2 referred to Sir W. Temple; continued by 2 Anne, c. 16, and made perpetual by 4 Geo. 1, c. 9, with a preamble stating that it had been found highly beneficial, 228, 229.

Act of 1780, 19 & 20 Geo. 3, c. 29, naturalizing foreign merchants, traders, artificers, &c. settling in Ireland, on taking the oaths of allegiance and abjuration, without reference to religious persuasion, 230-232—By the 19 & 20 Geo. 3, the same rights of naturalization were conferred in Ireland by a general statute that in England could only be obtained by a special Act, 233, 234—Remarkable Act of the 23 & 24 Geo. 3, c. 38, fully naturalizing all persons, except Jews, who settled in Ireland, and had resided three years, 235, 236—Statute 36 Geo. 3, c. 48, requiring a licence from the Lord Lieutenant; construction of these several Acts, taken together, as to the law of naturalization, 237, 238—Case

*Stock, Mr. Serjeant.* (Analysis of his Evidence)—*continued.*

of an Italian, named Bassegio, naturalized under these Acts, and holding an office of trust, 239-241—The law of Ireland, as regards foreigners, scarcely needs amendment, 242—The naturalization of a man in Ireland would not give him rights in England inconsistent with the English law, 243, 244—An alien in Ireland would be subject to disabilities, unless admitted by a licence from the Lord Lieutenant, or qualifying as a Protestant under the Act of Chas. 2; 245, 246—The expenses of obtaining a licence are small, 247-250—Several persons have recently availed themselves of the licence, 251, 252—Refusal of an application to the Privy Council by Signor Bianconi, 253—A return might be obtained of the number of persons who have obtained licences, 254, 255.

Impolicy of the restriction upon aliens being owners or part owners of a British ship; its opposition to the common law, 256-258—Provisions of the Act of the British Parliament, 7 Anne, c. 5, repealed in 1711-12 by the Harley Administration, 260—The same measure was again brought forward in 1748 and in 1751; in 1751 it passed the second reading, but dropped in consequence of the death of the Prince of Wales, 261, 262—It was strongly supported by Mr. Pitt, afterwards Lord Chatham, 263—The law at that time would have deprived various corporations of dues collected from foreigners, particularly in the city of London, 264—Petition from the corporation of London, in 1753, complaining of the loss that would be sustained by the remission of the privage and seavage dues on foreigners; these dues have since ceased, 264, 265—The reasons recited in the Act of Chas. 2, for the admission of foreigners into Ireland, are, the waste and desolation of the country, and the necessity of encouraging foreigners to manufacture the raw materials, instead of sending them abroad, 267, 268.

*Switzerland.* The Swiss have generally returned to their own country after earning money in this country, *M'Gregor* 370—Laws of Switzerland with regard to foreign-born persons, *Gem* 580—Evidence with respect to the admission of foreigners into the Swiss States; how far within the last 15 years this has been attended with injurious consequences, *Mallet* 622-638.

#### T.

*Tapestry.* Civil rights extended to foreigners engaged in the manufacture thereof, by an Act of Chas. 2, *Rep.* vi.

*Tartars.* The Tartars in China are considered as foreigners, *Ward* 682.

#### U.

*United States of America.* Condition of British-born subjects who transferred their allegiance to the United States after the treaty of peace, *Vizard* 7-11—The prosperity of the United States is entirely arising from its liberal policy with regard to foreigners, *M'Gregor* 403-406—Law in the United States with regard to aliens, *Ib.* 439-457.

#### V.

*Venice.* Remarkable success with which the skill and enterprise of other nations were attracted to that city by the boon of citizenship, *Rep.* vi—Policy pursued by Venice in relation to foreigners; the great height of prosperity to which the arts arrived in Venice is in a great degree attributable to the policy of inducing foreigners to settle there, *M'Gregor* 343-347.

*Vested Rights.* Naturalizations should not have a retrospective effect, so as to disturb vested rights and titles to property, *Vizard* 74-80—A Naturalization Act ought not to affect the titles of others by being retrospective, *Lord Brougham* 100-103—The effect of a naturalization should be retrospective as regards property; it is so now in a common Naturalization Act, *Kinglake* 152-159—A Naturalization Act is not intended to have a retrospective effect, but dates from its passing, *Walmsley* 285.

*Vizard, William.* (Analysis of his Evidence).—A solicitor, who has paid attention to the laws relating to aliens, 1, 2—As a general rule, all persons born out the Queen's allegiance are considered as foreigners, 3—Exceptions to this rule enumerated, 4-11—Disqualifications of aliens, 12-15—Rights of denizens, 16-18—Mode of obtaining letters of denization, 19—Means of obtaining Naturalization Acts; certificate of the Secretary of State; oath at the bar of the House of Lords or before the Speaker of the House of Commons, 20-29—Right acquired by an Act of Naturalization, 31—Expenses of a naturalization, 32—The Act of Settlement is the principal statute affecting the disqualification of foreigners; various changes that have been made, at different times, in that Act, 33-37—The existing law is often productive of great inconvenience to individuals, 38-39—Case of a gentleman, the son of an Englishman, born abroad; difficulties in which he was involved by being an alien, though in education and social position an English

## Report, 1843—continued.

*Vizard, William.* (Analysis of his Evidence)—continued.

English gentleman of fortune, 38-42—The son of a British father married to a foreigner, though born abroad, would be a natural-born subject, 43—Foreigners permitted to hold commissions in the army, during the war, by special Acts of Parliament, 44-47—All the privileges now obtained by a Naturalization Act, and some others, should be conferred by letters of denization, 48—A naturalized foreigner should not be allowed to be of the Privy Council, 49—An Act of Naturalization depends practically upon the certificate of the Secretary of State, 50—The expenses would not be too heavy, 51-56—The legitimate son of an English father, born abroad, is not an alien; the son of an English mother, born abroad, would be an alien, 57-60—Several parties may be included in letters of denization, so as to share the fees; delay is caused; they might be granted separately at the same cost to each party, 61-68—The personal property of a foreigner domiciled in England would follow the English law of descent, 69-71—Rights and privileges enumerated which letters of denization ought to confer, 72, 73—Naturalization should not have a retrospective effect so as to disturb vested rights and titles to property, 74-80—Construction of the Act 25 Edw. 3, in reference to the birth of the children of British parents, out of England, 81-83.

## W.

*Walmisley, Henry.* (Analysis of his Evidence.)—Extra clerk in the House of Lords, and a Parliamentary agent, 269-271—Form of procedure in obtaining Naturalization Acts; certificate from the Secretary of State; oaths taken at the bar of the House of Lords, and appearance before the Committee on the Bill, 272-274, 278-280—A Jew cannot be naturalized, 275-277—Witness never knew of persons opposing a Naturalization Bill under the belief that it would affect their interests, 281-284—A Naturalization Act is not intended to have a retrospective effect, but dates from its passing, 285—The oaths of allegiance, supremacy, and abjuration are taken by Protestants, and the oaths prescribed in the Relief Act, by Roman-catholics, 286, 287—The form of these oaths excludes a Jew, 288, 289—Case of two brothers who believe themselves to be British-born subjects, and want an Act without the usual disabling clauses, 290-292—Expenses of a Naturalization Bill, 293-295—A Naturalization Bill never becomes an opposed Bill, 296—Form of a Naturalization Bill delivered in, *ib.*

*War.* Probable effect, in the time of war, of any relaxation of our laws with respect to aliens, *Lord Ashburton* 893.

*Ward, John.* (Analysis of his Evidence.)—Has resided in Hamburgh for some time on a diplomatic mission from the Government, as British commissioner in regard to the revision of the Stade tolls, 639, 640—By the law of Hamburgh, any person taking up his *bonâ fide* residence there may obtain the rights of citizenship and naturalization on payment of a moderate sum, equal to a few pounds English, 641-643—It is very usual for English merchants and merchants of other countries to take out letters of naturalization, in order to hold landed property, 644-647—Foreigners thus naturalized are eligible to offices; instance of a foreigner holding one; the offices are comparatively few there, 648-652—Law of Hanover on this subject, 653-658—Law of Belgium with respect to the naturalization of foreigners; the Belgian government has a rule, founded on their constitution, that foreigners should be precisely in the same relative situation as Belgians in other countries; from this cause an Englishman in Belgium would suffer from the effect of the restrictive laws of England, 659-665—Evidence respecting the *grande et petite naturalisation* in France; case of Mr. Benjamin Constant, 666-673.

The facility of naturalization is most highly estimated in a commercial country, 674-676—In the ancient world, in the commonwealths of Greece and Rome, citizenship was derived only from race; in Athens, foreigners, and the descendants of foreigners, were foreigners to the end of time; they were called *μετοικοι, συνοικοι, &c.*; neither payment of taxes nor community of place conferred citizenship, 678, 679—Contest in the reign of James 1, after the time of the union of the Crowns of England and Scotland, whether the former inhabitants of Scotland, and those born since the union, should be entitled to the benefits of naturalization, 679—The exclusion of Rome was not so rigid as in the Greek states, but it was kept up in many of the Roman colonies; the distinction as to the exclusion of the Jews is founded on the difference of race, 680, 681—The Tartars in China are considered as foreigners, 682.

Remarks upon various Acts passed with regard to naturalization; the 15th Chas. 2, c. 15, showing that it was favourable to commerce; the 7th Anne, c. 5; this Act was passed on account of the Palatinate refugees; also upon Act of William 3; this Act is the foundation of the present restrictions, 682-691—The Act of 10th Anne, c. 5, to repeal the Act of 7th Anne, was brought forward rather as a party measure, for an attack on the Whig ministry, which had just gone out; all the Acts were introduced more or less by contending parties in the State; the Act to repeal the 7th of Anne was rejected by the Lords, 687-691—Considerable arguments to be found in favour of naturalization in the Act of the 13th Geo. 2, which *ipso facto* naturalized foreign seamen after a service of two years in

*Ward, John.* (Analysis of his Evidence)—*continued.*

the British navy, 692-694—Also another Act of the same year, naturalizing on the same principle foreign Protestants and Jews residing seven years in British colonies, 694-697. 705, 706—Witness would give the Crown the right of conferring every privilege, except the privilege of sitting in Parliament, and the peerage, and so on, 698, 699—With respect to the higher naturalization in France and in the United States, and also in Belgium, it is required that the party, on becoming naturalized by the laws of those countries, should renounce his allegiance to his own country, 700—In all the German states a man may have double allegiance, 701. 703—By the law of England no man can shake off his allegiance, 702—In Belgium a foreigner must acquire the ordinary rights of citizenship, in order to be able to purchase and hold land, 704—The Act requiring six months' registration is not now in existence; there is no mode of recovering the penalty of 2*l.* under that Act, 706-713—Witness has never found any instance on the Continent in which the introduction of foreigners has been prejudicial to the state; in commercial places it has acted very beneficially, 714-721—A person cannot inherit from his own mother lands in England; it is a great hardship that the son of an alien father and an English mother, born out of the allegiance, cannot inherit, 722-731. 747-776—There is no objection to allowing all foreign persons, whether naturalized or not, to purchase and hold real property in this country; the power of removing all disabilities, such as holding a seat in the Privy Council and the Legislature, should not be taken from the Legislature, 732, 733. 741—Expediency of substituting for the present law a cheaper and more expeditious form by which foreigners might obtain the rights of natural-born subjects, 734-740. 742-746—Under the present law foreigners are not obliged to take the sacrament, as a necessary qualification for becoming naturalized subjects, 777.

*William III. King.* Jealousy of foreigners excited by his partiality to the Dutch officers and dependants brought by him into this kingdom; Act of 12 & 13 Will. 3, c. 2, passed to place foreigners under civil disabilities, *Rep.* iii.

*Wurtemberg.* Information from Count Mandelsloh, minister of Wurtemberg in this country, respecting the alien laws of Wurtemberg, *Gem* 586-588.

*Wynn, Right hon. Charles Watkin Williams.* (Analysis of his Evidence.)—Has paid some attention to the laws affecting persons who are considered foreigners in this country, 778—Difficulty arising from the words of the two statutes of the 4th Geo. 2, c. 23, and the 13th Geo. 3, c. 21, in the case of the fourth generation of subjects born abroad; case of General de Ginckell, who was created Earl of Athlone, 779-784. 786-789. 793—Extreme uncertainty of the law with regard to the descendants of British subjects, 785—Decision in the Court of Queen's Bench in the case of Furry; by this decision the son of an English mother, though not of an English father, would not be entitled to inherit, 793-795—The general operation of our laws towards persons of foreign birth is of a harsh character, 796-798—Nature of the law now in operation in Ireland with regard to foreigners, 799-801—Rights a foreigner can acquire by naturalization in this country; practically no Act of Parliament conveys to any foreigner the capacity of holding any office of trust, however subordinate, 802-805—This is not a desirable state of the law, 806—How far witness would extend the privileges of a natural-born subject; it should be left entirely to Parliament in each case, 807-810. 813-815. 818-823—Case of Mr. Hope; there would be no objection to vesting him with the commission of the peace, 811—Witness would not have any objection to foreigners holding land without any express permission, 811, 812—Course now pursued by the Secretary of State with regard to an Act of Naturalization; further steps suggested to be taken by him, 813, 814. 846-848—Evidence upon the Act 1 Geo. 1, c. 4, restricting the power of granting Acts of citizenship, 824-829—Witness would admit the son of a British mother at once, and would give him all the privileges; but would not extend it beyond the first generation, unless after the residence in Great Britain for a certain number of years, 830-836. 839-841—If foreigners be admitted to the enjoyment of the rights of acquiring property, and of suing and being sued as other British subjects, there is no reason why they should not be admitted to the enjoyment of civil offices, 837, 838—Mode in which witness would propose to relieve foreigners from the disqualifications they are occasionally placed under, 842-845.









